NILES CITY SCHOOLS

Administrative Guideline Manual

310 policies

July 9, 2026

Table of Contents

ADMINISTRATION

ag1120	LINE AND STAFF RELATIONS
ag1411	WHISTLEBLOWER PROTECTION
ag1422	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
ag1530	STANDARDS-BASED PRINCIPAL EVALUATION SYSTEM
ag1619.01	PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS
ag1621	FEDERAL GROUP HEALTH CONTINUATION (COBRA)
ag1623A	SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
ag1630.01B	FMLA RECORDKEEPING REQUIREMENTS
ag1630.01	FMLA LEAVE
ag1662	ANTI-HARASSMENT

PROGRAM

ag2120	THE SCHOOL IMPROVEMENT PROCESS
ag2131	CHARACTERISTICS OF AN EFFECTIVE STATEMENT OF EDUCATIONAL OUTCOMES
ag2210	ASSESSING THE DISTRICT'S LEARNING PROGRAMS
ag2220	PREPARATION FOR THE WORLD OF WORK
ag2240	CONTROVERSIAL ISSUES IN THE CLASSROOM
ag2240B	ALTERNATIVE LEARNING ACTIVITIES FOR OPT-OUT STUDENTS
ag2250	INNOVATIVE PROJECTS
ag2260	NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
ag2260D	NOTICE OF NONDISCRIMINATION
ag2260F	LIMITED ENGLISH PROFICIENCY PROGRAM
ag2260.01A	SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE
ag2260.01B	SECTION 504/ADA PARENTS' PROCEDURAL RIGHTS, INCLUDING DUE PROCESS HEARING
ag2270	RELIGION IN THE CURRICULUM
ag2271	COLLEGE CREDIT PLUS PROGRAM
ag2280	PRESCHOOL STAFF
ag2280.03	PRESCHOOL HEALTH AND SAFETY
ag2280.09	PRESCHOOL IMMUNIZATION
ag2330	HOMEWORK
ag2340A	FIELD TRIP GUIDELINES

ag2340B	DISTRICT-SPONSORED TRIPS (CO-CURRICULAR AND EXTRA-CURRICULAR)
ag2340C	OVERNIGHT TRIPS
ag2340D	NONDISTRICT-SPONSORED TRIPS
ag2340E	TRIP LEADER RESPONSIBILITIES
ag2340F	CHAPERONES FOR TRIPS
ag2370A	INDEPENDENT STUDY
ag2370	EDUCATIONAL OPTIONS
ag2370.01	BLENDED LEARNING
ag2412	HOMEBOUND INSTRUCTION
ag2416	PROCEDURES FOR INSPECTION OF MATERIALS USED IN CONJUNCTION WITH ANY SURVEY, ANALYSIS, OR EVALUATION
ag2430A	STUDENT PARTICIPATION IN SUMMER CAMPS/PROGRAMS
ag2430	DISTRICT-SPONSORED CLUBS AND ACTIVITIES
ag2431	INTERSCHOLASTIC ATHLETICS
ag2431B	SPORTSMANSHIP EXPECTATIONS
ag2431C	CONCUSSIONS AND HEAD INJURIES
ag2431.01	ATHLETIC PARTICIPATION/CONCUSSIONS
ag2460	SPECIAL EDUCATION
ag2460.03	INDEPENDENT EDUCATIONAL EVALUATIONS
ag2510	SELECTION OF BASIC TEXT MATERIALS
ag2520A	SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT
ag2520C	RESOURCE SPEAKERS
ag2520D	STUDENT USE OF LIBRARIES/MEDIA CENTERS
ag2531A	COPYRIGHTED WORKS
ag2531	COPYRIGHTED WORKS
ag2623A	TESTING PROGRAM
ag2623C	PARTICIPATION OF STUDENTS WITH DISABILITIES IN GENERAL STATE AND DISTRICT-WIDE ASSESSMENTS
ag2623D	STANDARDS RELATIVE TO THE ETHICAL USE OF ASSESSMENTS BY STAFF
ag2623.02	MID-YEAR PROMOTION FOR THIRD GRADE STUDENTS RETAINED DUE TO PERFORMANCE ON ENGLISH LANGUAGE ARTS ASSESSMENT
ag2626A	ANALYZING A TEST ITEM
ag2626	PROCEDURE FOR ANALYZING TESTS

PROFESSIONAL STAFF

ag3111A	CREATING A POSITION
ag3111B	VERIFICATION OF EMPLOYMENT ELIGIBILITY
ag3120A	SELECTION OF PROFESSIONAL PERSONNEL

ag3120B	APPOINTMENT OF PERSONNEL TO COMPENSATED CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES
ag3120C	PRE-EMPLOYMENT INTERVIEW QUESTIONS
ag3120D	CHECKING REFERENCES OF APPLICANTS
ag3120E	EMPLOYMENT OF PERSON CONVICTED OF A CRIME
ag3120F	INTERVIEWING AND EVALUATING CANDIDATES FOR CLASSROOM TEACHING POSITIONS
ag3120.01	JOB DESCRIPTION
ag3120.04	EMPLOYMENT OF SUBSTITUTES
ag3120.05	EMPLOYMENT OF SUMMER SCHOOL STAFF
ag3121	CRIMINAL HISTORY RECORD CHECK
ag3122	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
ag3122.01	DRUG-FREE WORKPLACE
ag3123A	SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
ag3124B	REQUEST FOR REDUCED CONTRACT PERIOD
ag3141	RESIGNATION
ag3160A	PHYSICAL EXAMINATION
ag3160C	BOARD-ORDERED PHYSICAL EXAMINATIONS
ag3170A	SUBSTANCE ABUSE
ag3179	PROFESSIONAL CONCERNS
ag3211	WHISTLEBLOWER PROTECTION
ag3213	STUDENT SUPERVISION AND WELFARE
ag3231A	POLITICAL ACTIVITIES
ag3243	ATTENDANCE AT EDUCATIONAL MEETINGS
ag3270	LESSON PLANS
ag3362A	REPORTING THREATENING BEHAVIORS
ag3362	ANTI-HARASSMENT
ag3419.01	PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS
ag3421	FEDERAL GROUP HEALTH CONTINUATION (COBRA)
ag3430.01A	FAMILY LEAVE AND INSTRUCTIONAL EMPLOYEES
ag3430.01B	FMLA RECORDKEEPING REQUIREMENTS
ag3430.01	FMLA LEAVE
ag3440A	JOB-RELATED EXPENSES
ag3440B	USE OF PRIVATE CAR FOR SCHOOL BUSINESS
ag3440C	USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS

CLASSIFIED STAFF

ag4111A	CREATING A POSITION

ag4111B	VERIFICATION OF EMPLOYMENT ELIGIBILITY
ag4120C	PRE-EMPLOYMENT INTERVIEW QUESTIONS
ag4120D	CHECKING REFERENCES OF APPLICANTS
ag4120	EMPLOYMENT OF CLASSIFIED STAFF
ag4120.01	JOB DESCRIPTION
ag4120.04	EMPLOYMENT OF SUBSTITUTE CLASSIFIED STAFF
ag4120.09	USE OF UNPAID VOLUNTEER AIDES
ag4121	CRIMINAL HISTORY RECORD CHECK
ag4122	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
ag4122.01	DRUG-FREE WORKPLACE
ag4123A	SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
ag4130	ASSIGNMENT AND TRANSFER
ag4140	RESIGNATION
ag4160A	PHYSICAL EXAMINATION
ag4160C	BOARD-ORDERED PHYSICAL EXAMINATIONS
ag4162A	MEMORANDUM TO CDL LICENSE HOLDERS REGARDING THE DISTRICT'S DRUG-TESTING PROGRAM
ag4162B	HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY
ag4170A	SUBSTANCE ABUSE
ag4179	STAFF CONCERNS
ag4211	WHISTLEBLOWER PROTECTION
ag4235	JURY DUTY/COURT APPEARANCE
ag4251	EXTRA DUTY
ag4362A	REPORTING THREATENING BEHAVIORS
ag4362	ANTI-HARASSMENT
ag4419.01	PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS
ag4421	REPLACEMENT FEDERAL GROUP HEALTH CONTINUATION (COBRA)
ag4430.01B	FMLA RECORDKEEPING REQUIREMENTS
ag4430.01	FMLA LEAVE
ag4440A	JOB-RELATED EXPENSES
ag4440B	USE OF PRIVATE CAR FOR SCHOOL BUSINESS
ag4440C	USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS

STUDENTS

ag5110	STUDENT HANDBOOKS
ag5111	ADMISSION TO THE DISTRICT
ag5111.01	HOMELESS STUDENTS

ag5111.02	EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN
ag5112	ADMISSION TO KINDERGARTEN
ag5113.02	SCHOOL CHOICE OPTIONS
ag5114A	FOREIGN STUDENTS ON VISA (I-20)
ag5114	FOREIGN-EXCHANGE STUDENTS
ag5120	ASSIGNMENT TO CLASS AND GRADE
ag5130	WITHDRAWAL/TRANSFER FROM SCHOOL
ag5136	PERSONAL COMMUNICATION DEVICES
ag5200	ATTENDANCE
ag5215	MISSING CHILDREN
ag5230	EARLY DISMISSAL
ag5320	IMMUNIZATION
ag5330A	EMERGENCY MEDICATION
ag5330	USE OF MEDICATIONS
ag5330.02	EPINEPHRINE AUTO-INJECTORS: MAINTENANCE AND USE
ag5330.03	ASTHMA INHALERS: MAINTENANCE AND USE
ag5330.05	STORAGE AND ADMINISTRATION OF NALOXONE/NARCAN
ag5340A	STUDENT ACCIDENT/ILLNESS
ag5340B	HEALTH EMERGENCIES AND FIRST AID CARE
ag5340D	TRANSPORTATION FOR ILL OR INJURED STUDENTS
ag5350	SUICIDE INTERVENTION PROCESS
ag5360	RECESS GUIDELINE FOR HARSH WEATHER
ag5410	PROMOTION, PLACEMENT, AND RETENTION
ag5420A	REPORTING STUDENT PROGRESS
ag5420B	PARENT-TEACHER CONFERENCES
ag5421	GRADING
ag5421B	GRADING CRITERIA
ag5430	CLASS RANK
ag5451A	RECOGNITION OF STUDENT ACHIEVEMENT
ag5460	GRADUATION REQUIREMENTS
ag5460A	CRITERIA FOR AWARDING THE DIPLOMA WITH HONORS
ag5460B	CRITERIA FOR CREDIT FLEXIBILITY PLAN
ag5463	STUDENT TRANSFER FROM NON-CHARTERED SCHOOLS AND ENROLLMENT FROM HOME EDUCATION
ag5511	DRESS AND GROOMING
ag5513	CARE OF PROPERTY
ag5515	USE OF MOTOR VEHICLES

ag5515A	OPERATION OF VEHICLES ON SCHOOL PROPERTY
ag5516	STUDENT HAZING
ag5517	ANTI-HARASSMENT
ag5517.01	BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR
ag5517.02	SEXUAL VIOLENCE
ag5520	STUDENT DISORDER
ag5530A	USE OF ANABOLIC STEROIDS
ag5530	SYMPTOMS OF OVERDOSE WITH DRUGS
ag5540A	RELATIONSHIP WITH GOVERNMENTAL AGENCIES
ag5600A	STUDENT DISCIPLINE
ag5605A	DISCIPLINING A 504 STUDENT
ag5605	DISCIPLINING STUDENTS WITH DISABILITIES
ag5610A	STUDENTS SUBJECT TO EXPULSION BUT NOT IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION
ag5610	SUSPENSION AND EXPULSION
ag5610.01	PERMANENT EXCLUSION
ag5610.02	IN-SCHOOL DISCIPLINE
ag5610.03	EMERGENCY REMOVAL OF STUDENTS
ag5630A	ALTERNATIVES TO CORPORAL PUNISHMENT
ag5630B	USE OF PHYSICAL FORCE
ag5722	SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS
ag5723	STUDENT RIGHTS OF EXPRESSION
ag5751	PREGNANCY
ag5771	SEARCH AND SEIZURE
ag5772	WEAPONS
ag5780	ADULT STUDENT RIGHTS
ag5820	STUDENT GOVERNMENT
ag5830	STUDENT FUND-RAISING
ag5840A	UNAUTHORIZED YOUTH ORGANIZATIONS (YOUTH GANGS)
ag5850	STUDENT SOCIAL EVENTS
ag5880	PUBLIC PERFORMANCES BY STUDENTS

FINANCES

ag6111A	GRANT WRITING - RESPONDING TO RFP'S
ag6111B	GRANT WRITING - REQUESTING A GRANT
ag6146	POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS
ag6220	BUDGET (APPROPRIATIONS) PREPARATION

ag6320A	PURCHASING
ag6320C1	BIDDING
ag6423	USE OF CREDIT CARDS
ag6424	PURCHASING CARDS
ag6550	TRAVEL PAYMENT AND REIMBURSEMENT
ag6605	CROWDFUNDING
ag6610	STUDENT ACTIVITY FUNDS
ag6620	PETTY CASH FUNDS
ag6700	FAIR LABOR STANDARDS ACT (FLSA)

PROPERTY

ag7230	PUBLIC GIFTS TO THE DISTRICT
ag7310	DISPOSAL OF NONFIXED-ASSET PROPERTY
ag7311	SALE OF CONTRUCTED FACILITIES
ag7420E	INTEGRATED PEST MANAGEMENT
ag7420F	HAND WASHING PROTOCOL
ag7420G	DANGEROUS OR RECALLED PRODUCTS
ag7420H	RADON TESTING
ag7420I	SAFE DRINKING WATER
ag7420	HYGIENIC MANAGEMENT
ag7430	RISK REDUCTION PROGRAM
ag7440	FACILITY SECURITY
ag7440C	IDENTIFICATION BADGES
ag7440.01	VIDEO SURVEILLANCE AND ELECTRONIC MONITORING
ag7450	INVENTORY PROCEDURE
ag7455	ASSET ACQUISITION, TRANSFER, AND DISPOSAL
ag7510A	USE OF DISTRICT PREMISES
ag7510C	SUPERVISON OF RENTED SCHOOL PREMISES
ag7530A	PERSONAL USE OF DISTRICT EQUIPMENT/FACILITIES
ag7530B	TECHNOLOGY EQUIPMENT SECURITY PROCEDURES
ag7530C	CLASSROOM TELEPHONES
ag7540	COMPUTER TECHNOLOGY AND NETWORKS
ag7540.01A	PERSONAL USE OF DISTRICT TECHNOLOGY
ag7540.03	STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY
ag7540.04	STAFF EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY
ag7540.05	PROPER USE OF E-MAIL ACCOUNT

OPERATIONS

ag8210	SCHOOL CALENDAR
ag8220	SCHOOL DAY
ag8310A	PUBLIC RECORDS
ag8310B	REDACTION OF NON-PUBLIC INFORMATION/RECORDS
ag8310D	TRANSMISSION OF RECORDS AND OTHER COMMUNICATIONS
ag8310E	RECORDS RETENTION AND DISPOSAL
ag8320	PERSONNEL RECORDS
ag8320.01	CRITERIA FOR PERSONAL INFORMATION SYSTEM
ag8325	RECEIPT OF LEGAL DOCUMENTS
ag8330	STUDENT RECORDS
ag8340	PROVIDING A REFERENCE
ag8351	SECURITY BREACH OF CONFIDENTIAL DATABASES
ag8360	USE OF SCHOOL MAIL-DELIVERY SYSTEM
ag8390	USE OF SERVICE ANIMALS
ag8400A	THREAT ASSESSMENT AND INTERVENTION
ag8400	SCHOOL SAFETY
ag8405	INDOOR AIR QUALITY (IAQ): MOLD
ag8410A	EARLY WARNING SIGNS OF POSSIBLE SCHOOL VIOLENCE
ag8410B	IDENTIFYING AND RESPONDING TO IMMINENT WARNING SIGNS
ag8410C	PRINCIPLES UNDERLYING INTERVENTION
ag8410D	INTERVENING EARLY WITH STUDENTS WHO ARE AT RISK FOR BEHAVIORAL PROBLEMS
ag8410E	ACTION PLANNING CHECKLIST
ag8410F	CRISIS PROCEDURE CHECKLIST
ag8410G	CHARACTERISTICS OF A SAFE PHYSICAL ENVIRONMENT
ag8410H	TIPS FOR PARENTS
ag8410	CHARACTERISTICS OF A SCHOOL THAT IS SAFE AND RESPONSIVE TO ALL CHILDREN
ag8420A	SEVERE WEATHER AND TORNADOES
ag8420	EMERGENCY PROCEDURES
ag8430	TELEPHONING OF BOMB THREATS
ag8431A	PESTICIDE APPLICATIONS
ag8431	WRITTEN HAZARD COMMUNICATION PROGRAM
ag8442A	EMERGENCY TREATMENT
ag8442.01	WORKERS' COMPENSATION - SALARY CONTINUATION
ag8450	MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES
ag8451	PEDICULOSIS (HEAD LICE)

ag8452	USE AND MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATORS
ag8453	EXPOSURE CONTROL PLAN FOR HANDLING AND DISPOSING OF BODY FLUIDS
ag8453.01	CONTROL OF BLOOD-BORNE PATHOGENS
ag8453.02	STUDENT CONTROL OF BLOOD-BORNE PATHOGENS
ag8462	CHILD ABUSE OR NEGLECT
ag8470	SEX OFFENDER NOTIFICATION
ag8500A	NUTRITIONAL GUIDELINES
ag8500	FOOD AND BEVERAGE SALES
ag8600	TRANSPORTATION
ag8605	BUS SAFETY PROCEDURES
ag8606	TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS
ag8610	TRANSPORTATION ROUTE PLANNING CRITERIA
ag8615	ANTI-IDLING AND SMART DRIVING PROCEDURES
ag8620	BUS DRIVER PROCEDURES
ag8650	TRANSPORTATION BY ALTERNATIVE VEHICLES
ag8651	NONROUTINE USE OF SCHOOL BUSES
ag8660	INCIDENTAL TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE
ag8670	TRANSPORTATION COST ANALYSIS
ag8710	INSURANCE
ag8800A	RELIGIOUS ACTIVITIES/CEREMONIES
ag8800B	RELIGIOUS EXPRESSION IN THE DISTRICT
ag8800C	THE FLAG AND PATRIOTIC CEREMONIES
ag8800D	CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG
ag8800E	DISPLAY OF THE UNITED STATES AND OHIO MOTTOES

RELATIONS

ag9120A	PUBLIC RELATIONS OBJECTIVES
ag9120B	PHOTOGRAPHS/PICTURES
ag9120C	NEWS MEDIA RELATIONS
ag9130A	PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS
ag9130	COMPLAINT REVIEW COMMITTEE PROCEDURES
ag9141	BUSINESS ADVISORY COUNCIL
ag9150	SCHOOL VISITORS
ag9160A	ACCESSIBILITY OF DISTRICT FACILITIES
ag9160C	SECTION 504/ADA - COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF DISTRICT FACILITIES
ag9160	PUBLIC ATTENDANCE AT SCHOOL EVENTS

ag9211	DISTRICT-SUPPORT ORGANIZATIONS
ag9270	PROCEDURE FOR EDUCATING A CHILD AT HOME
ag9270A	ADMISSION OF STUDENTS ENROLLING FROM NON-CHARTERED SCHOOLS OR HOME EDUCATION
ag9700	FUND-RAISING BY CHARITABLE ORGANIZATIONS
ag9700A	DISTRIBUTION OF MATERIALS TO STUDENTS
ag9700B	CRITERIA FOR COMMERCIAL MESSAGES
ag9800	HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT, AND VIETNAM CONFLICT VETERANS

ag1120

LINE AND STAFF RELATIONS

1120 - **LINE AND STAFF RELATIONS**

All staff members shall be responsible to the Board of Education through the Superintendent. Each shall refer matters requiring administrative action to the person in charge of the department, who shall refer such matters to the next higher authority, when necessary.

Each staff member is to keep the person s/he is immediately responsible to informed of his/her activities by whatever means the supervisor deems appropriate.

All staff members have the right to appeal any decision made by an administrative officer, through approved procedures as defined by contract, agreements, policies, administrative guidelines, or by State law.

ag1411

WHISTLEBLOWER PROTECTION

1411 - **WHISTLEBLOWER PROTECTION**

The Board of Education encourages all employees, acting in good faith, to report suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 1411) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member, or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the District

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

    1. the Superintendent or his/her designee;

       If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

    2. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced District employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a

written report of the possible violation.

1. The supervisor or other District official shall notify the employee in writing of any effort of the District to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the District does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the District, and the activities in which the District is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the District, and the activities in which the District is engaged, of any possible violation of the following O.R.C. Chapters that is also a criminal offense:

1. Chapter 3704 - Air Pollution Control;

2. Chapter 3734 - Solid and Hazardous Wastes;

3. Chapter 6109 - Safe Drinking Water; or

4. Chapter 6111 - Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible

violation to the Superintendent or his/her designee.

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other District official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other District official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted, at the conclusion of the investigation.

Auditor of State's Fraud-Reporting System

In addition to or instead of filing a written report with his/her supervisor or other District authority, an employee may file a report using the Auditor of States fraud-reporting system in accordance with Revised Code 117.103 or may file a written report in accordance with Section 126.45.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the District or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

C. If disciplinary or retaliatory action is taken against an employee for reporting a possible violation, the employee may file a civil action in the Court of Common Pleas for appropriate injunctive relief, remedies, or both, within 180 days after the date the disciplinary or retaliatory action was taken.

© Neola 2012

ag1422

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

1422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

This administrative guideline is established to assist in the proper implementation of Policy 1422 and Policy 1422.02.

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), 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.

The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are suspect and potentially impermissible.

Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the Superintendent's attention.

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Ohio organized militia. 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.

© Neola 2014

ag1530

STANDARDS-BASED PRINCIPAL EVALUATION SYSTEM

1530 - **STANDARDS-BASED PRINCIPAL EVALUATION SYSTEM**

The procedures used to evaluate Principals and assistant Principals are based on the Ohio Principal Evaluation System ("OPES") model as approved by the State Board of Education. The procedures incorporate standards comparable to those which are included in the Board-approved teacher evaluation policy, but that are tailored to the duties and responsibilities of Principals and assistant Principals and the environment in which they work.

These evaluation procedures and guidelines are intended to establish an evaluation model that is research-based, transparent, fair, consistent, and adaptable to the needs of the District. The Board believes in the importance of ongoing assessment and meaningful feedback as a powerful vehicle to support improved administrator and building performance, as well as promotion and retention decisions for Building Principals.

Definitions

"OPES" - stands for the Ohio Evaluation System model as adopted by the State Board of Education in 2009, or as otherwise modified by the State Board.

"Credentialed Evaluator" - includes the Superintendent or designee, who shall hold a credential established by the Ohio Department of Education for Principal evaluations.

"Principal" - shall include all Building Principals, Assistant Principals, Vice Principals, and other building level administrators whose duties are comparable to foregoing positions.

"Student Growth" - is defined as the change in student achievement for an individual student between two (2) or more points in time.

"Building Based Student Learning Objectives" ("SLOs") - goals created by a Principal or group of Principals that are approved by the District which identify expected learning outcomes or growth targets for students in their buildings over a period of time.

"Shared Attribution Measures" - encompasses student growth measures that can be attributed to a group.

"Value-Added" - refers to the EVAAS Value-Added methodology provided by SAS, Inc., which provides a measure of student progress at the District and school level based on each student's scores on State-issued standardized assessments.

"Vendor Assessment" - student assessments approved by the Ohio Department of Education that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification exams, or end-of-course examinations for grade level and subjects for which the Value-Added measure does not apply.

"Evaluation Cycle" - is the period of time for the completion of the evaluation procedure. The evaluation cycle is completed when student growth measures resulting from assessments that were administered in the previous school year are combined with the Principal performance ratings resulting from performance assessments that are conducted for the current school year to assign a summative evaluation rating.

"Evaluation Factors"- refers to the multiple measures that are required by law to be used in the Principal evaluation procedure, which includes the principal performance measure, student growth measures, and any alternative measures selected by the Board.

"Evaluation Framework" - means the document created and approved by the Ohio Department of Education (ODE) in accordance with section 3319.111(A) of the Ohio Revised Code that establishes the standards-based framework for the evaluation of teachers developed under R.C. 3319.112.

"Evaluation Instruments" - refers to the forms used by the Principal's evaluator.

"Evaluation Procedure" - the procedural requirements set forth in this guideline are intended to provide specificity to the statutory obligations established under sections 3319.111 and 3319.112 of the Ohio Revised Code and to conform to the framework for the evaluation of Principals developed under R.C. 3319.112.

Standards-Based Principal Evaluation

Principal evaluation procedures will utilize multiple factors, with the intent of providing meaningful feedback to each Principal and assigning an effectiveness rating based in equal part upon a Principal's performance on the standards and student growth.

Each Principal evaluation will result in an effectiveness rating of:

A. Accomplished;

B. Skilled;

C. Developing; or

D. Ineffective.

The specific standards and criteria for distinguishing between these ratings shall be the same as those included in the OPES model developed by the State Board of Education, which are incorporated herein by reference.

The two (2) evaluation factors are student growth measures and principal performance.

OR

In evaluating a Principal's Performance on the Standards, the District shall utilize the measures set forth by the Ohio Department of Education's OPES "Ohio Principal Performance Rating Rubric."

Student Growth Measure

Principals shall receive a rating for student academic growth that shall account for fifty percent (50%) of a Principal's final summative evaluation rating. For the purpose of these guidelines, student growth is defined as the change in student achievement for an individual student between two (2) or more points in time, as evidenced by direct or indirect growth measures. Direct student growth measures will include measures of value-added scores, vendor-created assessments, and locally determined student growth measures. Indirect student growth measures will be comprised of measures which impact student achievement, such as retention, promotion of students, and graduation rates.

An evaluator may use both direct and indirect student growth measures to calculate a Principal's student growth measure rating, depending on the Principal involved:

A. Where building level value-added data is available, a Principal's student growth rating shall be comprised of building level value-added data and locally determined measures

B. When an approved Ohio Department of Education vendor assessment is utilized in the measurement of student growth, the Principal's student growth measure rating shall be comprised of vendor approved assessment scores and locally determined measures

C. Where no value-added or vendor assessment data is available, a Principal's student growth measure rating shall be comprised of locally determined student growth measures

Data from these approved measures of student growth will be scored on five (5) levels in accordance with the Ohio Department of Education:

(5) Most Effective

(4) Above Average

(3) Approaching Average

(2) Average

(1) Least Effective

Final Evaluation Rating

Each Principal's performance rating will be combined with the assessment of student growth measures to produce the summative evaluation rating, based upon the criteria developed by the Ohio Department of Education.

Evaluation Procedures and Timeline

Principals and Assistant Principals in the Final Year of a Contract

- In any school year that a Principal's contract of employment is due to expire, at least two (2) written evaluations (a preliminary and a final) shall be provided. A written copy of the preliminary evaluation results shall be given at least sixty (60) days prior to any action by the Board on the Principal's contract of employment. A written copy of the final evaluation results shall be provided to a Principal at least five (5)

days prior to the Board's acting to renew or not renew the contract, and shall include the Superintendent's intended recommendation to the Board regarding the Principal's contract.

Principals and Assistant Principals Not in the Final Year of a Contract

- In any school year that a Principal's contract of employment is not due to expire, at least one (1) evaluation cycle shall be completed. A written copy of the evaluation results will be provided by the end of the Principal's contract year as defined by the Principal's annual salary notice.

Written notice of nonrenewal will be provided by June 1st.

Professional Growth Plans and Professional Improvement Plans

Based upon the results of a Principal's most recent evaluation, each Principal shall develop either a professional growth plan or professional improvement plan as follows:

A. A Principal shall develop a professional growth plan with a credentialed evaluator when the Principal receives a score of developing or above in all areas of the most recent evaluation. The Principal in collaboration with an evaluator will create specific goals intended to promote professional growth and performance, as well as to increase student achievement and growth. A professional growth plan will be developed that incorporates the goals and delineates specific evidence which will be used to determine if the goals are being met.

B. A Principal shall develop an improvement plan with a credentialed evaluator when the Principal's performance in one (1) or more areas is scored ineffective, or when a Principal receives an overall score of ineffective on his/her last evaluation. Principals are accountable for the implementation and completion of the plan, and shall collaborate with the evaluator throughout the year to modify the plan as necessary to maximize improvement in performance.

Retention and Promotion Decisions/Removal of Poorly Performing Principals

It is the purpose of these standards-based Principal evaluation procedures to improve the quality of instruction, enhance student learning and strengthen professional competence through meaningful feedback and targeted professional development. In addition, the evaluations produced will serve to inform the Board on employment decisions, i.e., retention, promotion of administrators, renewal of administrator contracts, and the removal of poorly performing Principals.

Nothing in these guidelines or Board-approved evaluation procedures will be deemed to prevent the Board from exercising its rights to non-renew, terminate, or suspend a Principal's contract in accordance with State law. The evaluation system and procedures set forth in these guidelines shall not create an expectation of continued employment for Principals evaluated under these procedures.

© Neola 2016

ag1619.01

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

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

The following administrative guidelines apply to the self-funded group health plans maintained by the Board:

A. **Training**: The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information. The Privacy Official shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

B. **Business Associate Agreements**: The Privacy Rule requires a group health plan to enter into business associate agreements with its third party vendors. The Privacy Official shall retain counsel to draft and negotiate these business associate agreements. The Privacy Official will oversee the review of existing business associate agreements to verify compliance with current laws. The Privacy Official shall verify that business associate agreements are entered into with new vendors.

C. **Notice of Privacy Practices**: The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The Privacy Official shall retain counsel to draft the Notice of Privacy Practices. The Privacy Official shall subsequently distribute these notices to existing group health plan participants. If there is a material change to the Notice, then the Notice shall be distributed as follows:

    1. If the group health plan posts its Notice on its website, then the plan may post the revised Notice on its website by the effective date of the material change, and then provide a hard copy of the Notice (or information about the material change and how to obtain the revised Notice) in its next annual mailing; or

    2. If the group health plan does not have a website, then the plan may provide the revised Notice (or information about the material change and how to obtain the revised Notice) to individuals covered by the plan within sixty (60) days of the material revision to the Notice.

       The Privacy Official shall notify all participants in the Plan of the availability of the Notice and how to obtain the Notice annually.

D. **Safeguards:** The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Official shall implement these safeguards in a reasonable and appropriate manner.

   The Security Official shall seek the services of a third party to perform an information technology risk analysis to identify and protect against reasonably anticipated threats to the security or integrity of electronic Protected Health Information, if applicable.

E. **Amendment of Plan Documents**: The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Official shall assist other school personnel in determining whether and how plan documents should be amended.

F. **Participant Rights**: The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Official shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

G. **Participant Rights**: The Privacy Official shall develop a breach notification procedure. A breach occurs when there has been an acquisition, access, use or disclosure of Protected Health Information in a manner not permitted under the Privacy Rule, which compromises the security or privacy of the Protected Health Information. The Privacy Official shall train workforce members on the breach notification procedures.

© Neola 2014

FEDERAL GROUP HEALTH CONTINUATION (COBRA)

1621 - **FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. covered employee shall be offered the opportunity to continue the District's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless or in deliberate indifference to the District's interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the District's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employee

   Also, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employee

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rules

   Under the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child

until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

Other Options for Qualified Beneficiaries

In lieu of electing COBRA continuation coverage, qualified beneficiaries may wish to pursue coverage through the health insurance marketplace established by the Patient Protection and Affordable Care Act. In some cases, individuals may receive significant subsidies toward the cost of coverage under the health insurance marketplace. These subsidies may make ACA marketplace coverage significantly less expensive than COBRA continuation coverage. Qualified beneficiaries may also wish to explore whether coverage under another employer group health plan or Medicaid is possible.

Termination of COBRA Coverage

COBRA continuation coverage generally lasts for eighteen (18) months. For example, if coverage is lost because of termination of employment or reduction of hours, the employee generally may elect COBRA for a maximum of eighteen (18) months.

However, there are a few exceptions to this rule. If Plan coverage was lost as a result of death of an employee, divorce or legal separation, or loss of eligibility for coverage as a dependent child, COBRA coverage can continue for a maximum of thirty six (36) months. If a qualified beneficiary is determined under Tile II or Title XVI of the Social Security Act to have been disabled before the sixtieth (60th) day of continuation coverage and the qualified beneficiary properly notifies the Plan Administrator of the disability determination, the eighteen (18) month period is expanded to twenty-nine (29) months. If a second qualifying event occurs while receiving COBRA coverage and the qualified beneficiary properly notifies the Plan Administrator, COBRA coverage may continue for a maximum of thirty-six (36) months.

COBRA coverage under a health flexible spending account can last only until the end of the year in which the qualifying event occurred.

Coverage for qualified beneficiaries may end prior to the end of the maximum coverage period if:

A. premiums are not paid on a timely basis;

B. District ceases to maintain the group health plan;

C. coverage is obtained with another employee group health plan that does not contain any exclusion or limitation with respect to any pre existing condition (note that the Patient Protection and Affordable Care Act eliminated pre-existing exclusion conditions in most groups health plans);

D. a qualified beneficiary becomes entitled to Medicare benefits;

E. during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the District in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the District of the fact within thirty (30) days after the Social Security Administration's determination.

© Neola 2016

ag1623A

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

The Board of Education prohibits discrimination against any employee or applicant based on his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation and changes in compensation;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the Board;

G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Board will provide a reasonable accommodation to a qualified applicant and employee 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.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability");

B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504/ADA but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, 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.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a factual matter, they will virtually always be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limits brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must 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 aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies,

use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such use

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others

C. with respect to employment, an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job

D. an individual on the basis of homosexuality or bisexuality

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders

2. compulsive gambling, kleptomania, or pyromania, or

3. psychoactive substance use disorders resulting from current illegal use of drugs

Individual with a disability includes an individual who:

A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Public Notice

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement that the Board does not discriminate against disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The Niles City School District Board does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Board will also include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504 Compliance Officer (who also serves as its ADA Coordinator).

Decision-Making Process for Determining/Identify Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The District Section 504 Compliance Officer/ADA Coordinator will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation.

The interactive process will include any and/or all of the following steps, as may be appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job.

B. The District will then consult with the individual with a disability to find out his/her specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties to identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties are still not able to identify an appropriate accommodation, the District will seek technical assistance.

E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitation. The District will respect an individual with a disability's right not to accept an accommodation if s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, s/he may be considered unqualified and may either be refuse employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision not to act.

Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

C. Making modification to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees.

D. Reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, excerpt reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system (i.e., a negotiated collective bargaining agreement).

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the District's operation, including the composition and structure of the District's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions - this includes requesting the applicant to describe or demonstrate how s/he would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

A. subject all entering employees to such an examination regardless of disability, and

B. the results of the examination will be used only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Board to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding necessary accommodations;

B. first aid and safety personnel may be informed where appropriate, if the condition might require emergency treatment; and

C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications are likewise prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, s/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation should always be linked with performance of a specific job function. The interviewer should never ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant himself/herself (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could only be asked to demonstrate job performance if all other candidates must do so.)

If an applicant indicates s/he has performed a particular function with an accommodation, the potential employer may inquire about it.

© Neola 2016

ag1630.01B

FMLA RECORDKEEPING REQUIREMENTS

1630.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Treasurer is responsible for making, keeping, and preserving all relevant records pertaining to the Board of Education's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Treasureris charged with keeping/preserving the records identified below in accordance with the District's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Treasurer shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the District under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the District and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or designee or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

© Neola 2013

ag1630.01

FMLA LEAVE

1630.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "spouse" means all individuals in legal marriages, regardless of where they live. More specifically, the definition of "spouse" is a husband or wife as defined or recognized in the State where the individual was married ("place of celebration"), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. **Military Caregiver Leave**

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single twelve (12) month period," to care for a covered service member with a serious injury or illness. The "single twelve (12) month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single twelve (12) month period" of leave, the remaining work weeks of leave are forfeited.

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.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in-law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service

member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single twelve (12) month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single twelve (12) month period," and then take another twenty-six (26) work weeks of leave in a different "single twelve (12)month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single twelve (12) month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. **Qualifying Exigency Leave**

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's **short-notice deployment** (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. **Military events and related activities**, such as official ceremonies, programs, or events sponsored by the military, **or** family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain **childcare and related activities** arising from aqualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating **financial and legal arrangements** to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty

or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.

5. Attending **counseling** provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military member stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, **rest and recuperation** leave during the deployment.

7. Attending to certain **post-deployment activities**, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes (1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; (2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; (3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and (4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

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.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents "in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave "to care for an immediate family member" must submit DOL Form (WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition").

Eligible employees who apply for FMLA leave for "the employee's own serious health condition" must submit DOL Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; "Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member.

If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for "the employee's own serious health condition", prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for "Qualifying Exigency Leave" must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

A. appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;

B. the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;

C. where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;

D. appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

District Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Treasurer is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but

no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

© Neola 2015

ag1662

ANTI-HARASSMENT

1662 - **ANTI-HARASSMENT**

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal:**

   The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. **Nonverbal:**

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. **Physical Contact:**

   Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, ancestry, or genetic information may take different forms, including, but not limited to, the following:

1. **Verbal:**

   The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

2. **Nonverbal:**

   Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

3. **Physical:**

   Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. hugging, kissing, or other physical contact with a student
2. telling sexual jokes to students
3. engaging in talk containing sexual innuendo or banter with students
4. talking about sexual topics that are not related to curriculum
5. showing pornography to a student
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)

13. giving gifts or money to a student for no legitimate educational purpose

14. accepting gifts or money from a student for no legitimate educational purpose

15. being overly "touchy" with students

16. favoring certain students by inviting them to come to the classroom at non-class times

17. getting a student out of class to visit with the staff member

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)

20. being alone with a student behind closed doors without a legitimate educational purpose

21. telling a student "secrets" and having "secrets" with a student

22. other similar activities or behavior.

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 1662, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs and ancestry of the victim,and in the case of genetic information harassment, the genetic information of the employee victim;

F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;

G. the number of alleged harasser(s);

H. the age of the alleged harasser(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or education performance or environment;

L. the context in which the alleged incidents occurred;

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and

N. whether a particular action or incident constitutes a violation of Policy 1662 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's written report to the Superintendent should contain the following information/documentation:

A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);

B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;

F. the outcome of the investigation; and

G. the response of school personnel, and, if applicable, District-level officials, including the date any incident was reported to local law enforcement or children services.

© Neola 2013

ag2120

THE SCHOOL IMPROVEMENT PROCESS

2120 - **THE SCHOOL IMPROVEMENT PROCESS**

The District has established a school improvement process which will function under the leadership of the District Leadership Team. The Team will consist of:

A. members from District administration;

B. the principal, staff members, and parents from the elementary school level;

C. the principal, staff members, and parents from the middle school level;

D. the principal, staff members, and parents from the high school level.

There will be a Building Leadership Team at each building under the leadership of the Principal and consisting of professional staff members.

The purpose of the Leadership Teams is to focus on programs and procedures which can help the District achieve its educational mission and which meet one or more of the following criteria:

A. will result in a more effective use of existing resources

B. will strengthen students' and/or staff members' willingness to participate productively in the academic and other activities of the school

C. will articulate effectively with programs and/or activities which students will need to participate in at the next learning level in order to successfully accomplish their educational goals

D. are sustainable using existing resources or those that the school or District can obtain for long-term use

All proposals for new programs or extensive revision of existing programs are to be developed according to AG 2250 and submitted by building leadership teams to the District Leadership Team, which in turn, shall submit them to the Superintendent and the Board for final approval.

ag2131

CHARACTERISTICS OF AN EFFECTIVE STATEMENT OF EDUCATIONAL OUTCOMES

2131 - **CHARACTERISTICS OF AN EFFECTIVE STATEMENT OF EDUCATIONAL OUTCOMES**

The following characteristics should be true of the District's educational outcome statements which will guide the outcomes-based curriculum.

A. Each outcome should be concise and understandable to staff, students, parents, and the community.

B. Each outcome should encompass previous learnings and require the student to integrate and then apply certain knowledge, skills, and attitudes in order to demonstrate achievement of the outcome.

C. Each outcome should constitute learning that is:

1. durable - will be useful to the student for a considerable period of his/her lifetime;

2. significant - will have a major effect upon how the student will function;

3. transferable - will be useful in meeting needs in other educational programs, the world of work, and/or the student's personal life.

D. Each outcome should be feasible for the staff and students to accomplish.

E. Each outcome should be measurable on a cumulative basis and at different stages of the students career in the District and the measurement should be both valid and reliable.

F. Each outcome should be accompanied by both the criteria by which the learning will be judged and the standards of quality which will apply.

ag2210

ASSESSING THE DISTRICT'S LEARNING PROGRAMS

2210 - **ASSESSING THE DISTRICT'S LEARNING PROGRAMS**

There is a continuing need to assess the courses of study and other programs that comprise the learning plan for the District. Knowing the strengths and weaknesses of the total curriculum and of each learning program is the first step in producing a quality revision or update.

Scope and Sequence

It is essential that, periodically, an analysis be done of the learning objectives for each subject and skills area to ensure that:

A. the learning objectives (intended learnings) for each grade or level are building cumulatively toward student accomplishment of the learning outcomes at each grade or level and for the entire curriculum area;

B. there are no gaps in the learning objectives that would inhibit a student from accomplishing the learning outcomes;

C. there are no unnecessary duplications or redundancies in the learning objectives or the learning outcomes.

Learning Programs (Courses of Study)

Prior to a working committee undertaking the revision of a course of study or any other learning program offered by the District, the committee should use Form 2210 F1 to conduct an analysis of each of the six (6) components that should comprise any effective program or course. These components are:

A. EXPECTED LEARNING OUTCOMES;

B. INTENDED LEARNINGS;

C. LEARNING ACTIVITIES;

D. METHODS OF INSTRUCTION;

E. MATERIALS AND RESOURCES;

F. ASSESSMENT.

If the assessment is conducted properly, it should yield valuable information about both the strengths and weaknesses of the program. This information can then serve as a guide to the revision process along with other guidelines provided in AG 2210A and AG 2605.

ag2220

PREPARATION FOR THE WORLD OF WORK

2220 - **PREPARATION FOR THE WORLD OF WORK**

One of the desired educational outcomes of the District is for students to have the prerequisite knowledge, attitude, and skills with which to enter the world of work at some later time in their lives. Board of Education Policy 2220 directs that the administration and staff include as a learning outcome for each course of study that students can demonstrate both willingness and ability to be punctual, to be present regularly at the learning site, to participate in the learning activities, and to complete assignments on time and as directed.

For students to develop these basic "workplace behaviors", teachers will need to emphasize their importance as they conduct learning activities. Such reminders can be part of directions, assignments, learning reviews, and feedback sessions on how well students functioned during activities.

As with other types of learning, one of the most effective strategies for helping students realize the importance of these "workplace behaviors" is for staff to model the behaviors that will be expected of the students.

ag2240

CONTROVERSIAL ISSUES IN THE CLASSROOM

2240 - **CONTROVERSIAL ISSUES IN THE CLASSROOM**

The following guidelines are designed to assist teachers in the instruction of controversial issues in the classroom, as defined in Policy 2240.

A. When a controversial issue is not part of an approved course of study, its use must be approved by the principal.

B. Before introducing a controversial issue, teachers should consider:

1. the chronological and emotional maturity of the students;

2. the appropriateness and timeliness of the issue as it relates to the course and the students;

3. the extent to which they can successfully handle the issue from a personal standpoint;

4. the amount of time needed and available to examine the issue fairly.

C. When discussing a controversial issue, the teacher may express his/her own personal position as long as s/he makes it clear that it is only his/her opinion. The teacher must not, however, bring about a single conclusion to which all students must subscribe.

D. The teacher should encourage student views on issues as long as the expression of those views is not derogatory, malicious, or abusive toward other student views or toward a particular group.

E. Although the Board is prohibited from adopting 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, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students are free to associate.

Teachers should help students use a critical thinking process such as the following to examine different sides of an issue:

A. For each stated position:

1. What is the person (group) saying?

2. What evidence is there that what is being said is true?

3. What is said that would lead you to think the position is valid?

4. What are the strengths and weaknesses of this position?

5. What do you think would happen if this point of view was accepted and was put into practice?

B. For reaching conclusions:

1. On balance, what do you think is the most reasoned statement? the most valid position?
2. What is there in the statements that supports your conclusion? What other things, beside what is being said, leads you to your conclusion?

© Neola 2012

ag2240B

ALTERNATIVE LEARNING ACTIVITIES FOR OPT-OUT STUDENTS

2240B - **ALTERNATIVE LEARNING ACTIVITIES FOR OPT-OUT STUDENTS**

Situations may arise in which the parents have requested that their child not participate in a particular instructional activity. Board of Education policy authorizes that such requests are to be honored if the reason relates to a conflict between the subject matter and religious or philosophical beliefs held by the parents. Requests may not be honored, however, if the reason relates not to subject matter but to pedagogy or other concerns. In such cases, the parent should be referred to the Superintendent/designee.

When a student is to be excused from an activity, the teacher should:

A. prepare an alternative activity in the general subject area which the student can work at on his/her own to reinforce and/or extend acquired learning of content and/or skill or develop new knowledge or skill;

B. arrange for a work location for the student that is properly supervised and provides access to help, if and when needed;

C. try to ensure that there are no repercussions for the student either academically or socially as a result of not participating in the regularly-scheduled activity;

D. keep a record of the alternative activity for communication with the parents, if such information is requested.

ag2250

INNOVATIVE PROJECTS

2250 - **INNOVATIVE PROJECTS**

Any professional staff member may submit a proposal for an innovative program.

When a proposal is presented, it should be forwarded to the Superintendent/designee.

Each proposal should contain a clear, adequate statement on each of the following:

A. **Need** - including importance relative to District/school goals.

B. **Expected Result** - including a description of how students, staff, or the District will be different as a result of the project.

C. **Time Requirements** - including any suggestions on how requirements can be met.

D. **Personnel Requirements** - including types, qualifications, costs, and possible availability.

E. **Facilities/Equipment Requirements** - including type, costs, and possible availability.

F. **Strategies/Methodologies** - including evidence of effectiveness in other settings.

G. **Schedules** - including suggestions for ameliorating any disruptions to current programs and schedules.

H. **Evaluation** - including what criteria and standards will be used to judge the success or worthiness of the project.

I. **Follow-Up** - including what could or should happen if the project results do or do not meet expectations.

After all of the above has been completed and the written approval or denial forwarded to the Superintendent, s/he shall review the proposal with relevant parties. If appropriate, a presentation to the Board may be arranged.

If approval is forthcoming and the project is implemented, a written evaluation by the professional staff involved will be prepared at a stage mutually agreed upon.

ag2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

This administrative guideline is established to assist in the proper implementation of Policy 2260.

That policy states:

The Board of Education does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, 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 the Protected Classes, 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.

The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and investigate any formal complaint of discrimination.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one (1) or more major life activities).

Sex-Based Harassment/Discrimination

The United States Department of Education, Office for Civil Rights ("OCR") considers gender-based harassment to be a form of sex discrimination.

Administrators and professional staff are directed to thoroughly investigate any allegations of gender-based harassment.

FACILITIES

The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as a nondisabled student.

Service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. See AG 8390 and Policy 8390.

PROGRAM

The educational program includes the academic and non-academic settings. To the maximum extent appropriate, each qualified, disabled student shall be educated with nondisabled students. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate.

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of the Protected Classes. See AG 2411 - Guidance and Counseling.

COMPLAINTS

All complaints shall be handled in accordance with Policy 2260 or Policy 2260.01. The complainant shall be informed that s/he may contact the U.S. Department of Education's Office for Civil Rights, at any time.

© Neola 2022

ag2260D

NOTICE OF NONDISCRIMINATION

2260D - **NOTICE OF NONDISCRIMINATION**

The public notice contained on Form 2260 F8 - Notice of Nondiscrimination is to be disseminated at least annually to students, parents, employees, and the general public.

This notice is to be placed in all of the following documents prepared by the District:

A. Parent/Student Handbooks

B. Staff Handbooks

C. Application Forms for Enrollment and Employment

D. Recruitment Materials for Students and for Staff

ag2260F

LIMITED ENGLISH PROFICIENCY PROGRAM

2260F - **LIMITED ENGLISH PROFICIENCY PROGRAM**

The Board of Education believes in the importance of providing English language instruction to students in the District who are Limited English Proficient (LEP), including immigrant children and youth. The Board's Limited English Proficiency Program ("LEP Program") shall be provided to enable LEP students to become competent in the areas of listening, speaking, reading, and writing of the English language and effectively participate in the District's educational program. In order to ensure that LEP students are properly identified, regularly assessed, provided with high quality language and academic instruction, achieve English language proficiency, and meet the same challenging State academic content and student achievement standards as all students in the District are expected to meet, the Board will adhere to the procedures set forth in these guidelines.

The LEP Program shall be an essential component of the District's educational program and shall use language instruction curricula that is tied to scientifically based research and designed to effectively meet the special and diverse needs of LEP students. The overall instruction and curriculum content of the LEP Program shall be based on State instructional objectives, goals, and proficiency standards.

Identification and Assessment

Each student enrolling in the District for the first time will be required to complete a Home Language Survey (see Form 2260F F1) in order to identify whether the student's primary or home language is other than English. Each student who identifies that his/her primary or home language is other than English will be assessed in order to determine whether s/he is LEP and needs special language assistance in order to effectively participate in the District's educational program. Such assessment will be administered in accordance with the age and educational level of the student. Based on the assessment results, the District will determine whether the student is eligible to participate in the LEP Program.

Parental Notification and Consent

If a student is identified and assessed as LEP and determined to be eligible for services, the District will send written notice to the student's parent. Such notice shall be provided within thirty (30) days of the start of the school year or within thirty(30) days of the assessment (if the student is not identified prior to the beginning of the school year) and include information regarding:

A. the LEP Program and the reasons for the student's identification and assessment;

B. the student's level of English proficiency;

C. the method of instruction to be used in the student's program;

D. how the program will meet the educational strengths and needs of the student;

E. how the program will help the child learn English and meet age appropriate academic achievement standards for grade promotion and graduation;

F. the exit requirements for the program, expected rate of transition and expected rate of graduation;

G. parental rights;

H. how the program meets the needs of the student's IEP, if applicable.

No student will be placed in the LEP Program without having received consent from the student's parents. Additionally, the student's parent(s) will be given the opportunity to participate and provide input into the student's program and will be regularly informed of the student's progress. If the student fails to make progress on measurable objectives, the Board shall provide the parent with notice of such failure within thirty (30) days after the failure occurs.

Placement and Services

Each student who is eligible to participate in the LEP Program will be placed in a setting that is appropriate for his/her age, grade level, and language and educational needs. The Board will ensure that each student is to be placed in a classroom with instructors who individually or in combination, are fluent/proficient in:

A. English, with respect to written, as well as oral communication skills; and

B. the home language of the majority of the students who the instructors teach, if instruction in the classroom is in both the home language and English; or

C. any other home language of the students who the instructors teach.

In addition to placing a student in a setting that will help him/her learn English and attain State academic content and achievement standards for grade promotion and graduation, the Board will provide additional services (based on the needs of individual students) including, but not limited to:

A. a translator in the home language of the student;

B. individual language instruction; and

C. individual instruction in core academic subjects.

Annual Evaluation

Each student shall be tested on an annual basis and monitored to determine how well s/he is learning English and becoming more proficient in the areas of listening, speaking, reading, and writing of the English language. Students will also be tested in the academic content areas of reading/language arts, math, and other core academic subjects. The District will provide each student's parent(s) with the results of the tests so that s/he will know how the student is progressing.

State-mandated Assessments

A. Testing of LEP Students

Each student who is assessed as LEP must participate in all State assessments. . In particular, an LEP student must be assessed in one of the following manners by:

1. taking a State assessment in the same manner as it is administered to other students;

2. taking a State assessment with accommodations during testing (e.g., use of a dictionary, extended time to take the test, etc.) that are tailored to the student's special needs; or

3. an alternate assessment method, including assessing the student in his/her native language. To that end, if a student is permitted to take a proficiency or achievement test in his/her native language, after three (3) consecutive years of enrollment in U.S. schools, such student must be assessed in reading/language arts in English. However, the student may continue to be assessed in his/her native language in other subject areas until they have achieved English language proficiency, regardless of how long they have been enrolled in U.S. schools.

   Once a student has attained English language proficiency, all proficiency and achievement tests must be taken in English.

B. Exemptions

A student who is assessed as LEP, and has been enrolled in U.S. schools for less than one (1) full school year shall not be required to take the State assessments in reading or writing administered to other students in

their grade level. However, no LEP student will be prohibited from taking such State assessments, if the student chooses to do so. Despite this permissible exemption, each LEP student, regardless of his/her length of enrollment in U.S. schools shall be required to take all other State assessments in math, science, and social studies, with or without accommodations. In addition, each LEP student shall be required to pass all five (5) of the Ohio Graduation Tests in reading, writing, math, science and social studies in order to qualify for a high school diploma.

For purposes of determining Adequate Yearly Progress (AYP), the test scores for any LEP student who has been enrolled in U.S. schools for less than one (1) full school year shall be excluded from the calculations of the percentage of students who are proficient in reading and math, even if such student voluntarily chooses to take the State assessment in reading. In addition, any LEP student who does not take the State assessment in reading shall not be counted towards the ninety-five percent (95%) participation rate in reading and math proficiency if s/he did not complete an assessment in English language proficiency in the same school year. However, if an LEP student has completed an assessment in English language proficiency, s/he shall be counted towards the ninety-five percent (95%) participation rate even if the student did not take the State assessment in reading in the same school year.

Exit Procedures

Once a student has been placed in the LEP Program, s/he will be provided with services and evaluated on an annual basis until it is determined that the student is proficient enough to meaningfully participate in the District's regular educational program. Teacher recommendation will initiate the process for the student to exit the LEP Program. Once a student has been identified for exit, s/he will be reassessed.

In determining whether a student is able to participate in the regular educational program, the District will evaluate factors including, but not limited to:

A. the results of the assessment;

B. the teacher recommendation that the student is ready to be exited from the program;

C. whether the student is able to keep up with his/her non-LEP peers in the regular educational program; and

D. whether the student is able to participate successfully in essentially all aspects of the District's curriculum without the use of simplified or modified English language materials.

Additionally, the overall retention in-grade and dropout rates of LEP students may be evaluated to determine whether such rates are similar to the student's non-LEP peers.

Upon exit from the LEP Program, a student will be monitored for a period of up to two (2) years in order to determine whether s/he is achieving academically and continuing to achieve English language proficiency.

Data

The District shall maintain records on all LEP students indicating the annual increases the number or percentage of students:

A. making progress in learning English;

B. attaining English proficiency by the end of the school year;

C. making adequate yearly progress.

Also, the Board shall include in its annual report card, data that is sufficient to yield statistically reliable information, as determined by the State, and does not reveal personally identifiable information about an individual student.

© Neola 2013

ag2260.01A

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE

2260.01A - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE**

The Superintendent establishes these administrative guidelines for the identification, evaluation, and educational programming and placement of students with disabilities who qualify under Section 504/ADA. These guidelines, along with AG 2260.01B, further fulfill the Board's directive to adopt a system of procedural safeguards that includes the right to have a due process hearing.
Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504") prohibit discrimination against qualified persons with a disability in any program or activity receiving Federal financial assistance. The Board will not knowingly permit discrimination against any qualified person with a disability in any of the District's programs, activities, policies, and/or practices.

Building Principals shall serve as Building Section 504/ADA Compliance Officers (Building Compliance Officers).

A person with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one (1) or more major life activities;

B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one (1) or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one (1) or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, 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.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems:

1. neurological;

2. musculoskeletal;

3. special sense organs;

4. respiratory, including speech organs;

5. cardiovascular;

6. reproductive;

7. digestive;

8. genito-urinary;

9. hemic and lymphatic;

10. skin;

11. endocrine.

B. any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

A physical or mental impairment that is episodic in nature or in remission is a disability for the purposes of Section 504/ADA if the impairment substantially limits a major life activity when active (e.g., asthma, allergies, or cancer).

The determination of whether an impairment substantially limits a major life activity must 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.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such use

B. an individual on the basis of homosexuality or bisexuality

C. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;

2. compulsive gambling, kleptomania, or pyromania; or

3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Notwithstanding the preceding, for purposes of programs and activities providing educational services, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

The District will not discriminate against otherwise qualified students with disabilities (i.e., students who otherwise meet eligibility criteria - e.g., age - for participation in the educational program and/or activities) in the provision of its educational programs and activities. The District further will provide a free appropriate public education to qualified students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one (1) or more major life activities). Said education shall entail the provision of regular or special education and related aides and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met. This includes providing academic and non-academic services to students with disabilities in the same setting as their non-disabled peers to the maximum extent appropriate. In addition to its provision of educational services, the Board will not discriminate against otherwise qualified students with disabilities in its provision of non-educational academic and extra-curricular services and activities such as 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, and will provide students with disabilities an equal opportunity to participate in such services and activities. Qualified students with disabilities will be afforded accommodations/modifications/interventions to the District's non-academic and extra-curricular services and activities, unless such accommodations/modifications/interventions would impose an undue financial burden, or would alter the fundamental nature or purpose of the service or activity. A determination that a particular accommodation/modification/intervention would constitute an undue burden must be made by the Superintendent or his/her designee after considering all resources available for use in the funding and operation of the service or activity, and must be accompanied by written statement of the reasons for reaching that conclusion. In the event the Superintendent or his/her designee determines that an undue burden would result, the District will take any other action that would not result in such burden but would still allow, to the maximum extent possible, individuals with disabilities to receive the benefits of the District's non-academic and extra-curricular services and activities on an equal basis as individuals without disabilities.

If a parent disagrees with a determination made by the District's professional staff concerning the identification, evaluation, or placement of a student with a disability, the parent may request a hearing before an impartial hearing officer that is not employed by the District (see AG 2260.01B).

Alternatively, the parent may file an internal complaint (see Policy 2260.01). A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and the parent does not waive that right if s/he first opts to try to resolve his/her dispute through the internal complaint process.

Procedures Applicable to Section 504 Referrals/Evaluations/Plans

Annually, the District will undertake to identify and locate every qualified person with a disability residing in the District who is not receiving a public education, and notify the person and their parents or guardians of the District's duties and responsibilities under Section 504.

Referral

Referrals may be made by anyone (e.g., parents, teachers, or other knowledgeable professionals). Referrals shall be made on the Suspected Disability Referral Form (Form 2260.01A F4) and submitted to the Building Compliance Officer. Referrals may be made at any time. Parents may request a referral form by contacting the Building Compliance Officer or a District Compliance Officer.

Generally, a staff member should refer a student for an evaluation under Section 504 if s/he suspects that the student not only has a mental or physical impairment but also suspects an impairment which substantially limits one (1) or more major life activities.

Assessment/Evaluation

Upon receipt of a Suspected Disability Referral Form, the Building Compliance Officer will notify the appropriate 504 Case Manager who will collect all relevant information on the student (e.g., medical reports, grade cards/report cards, school history, disciplinary action, etc.) to assist in documenting whether the student has a physical and/or mental impairment that substantially limits one (1) or more major life activities. A medical statement is not a condition of evaluation under Section 504. If the District determines, based on the facts and circumstances of an individual case, that a medical assessment is necessary to make an appropriate evaluation, the District will offer to secure the assessment at no cost to the student or his/her parents.

The 504 Case Manager should contact school staff who perform assessments and have them review existing pertinent information and determine whether additional assessments are needed. If an evaluation is needed, written parental consent shall be obtained within thirty (30) calendar days of the referral for an evaluation and a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) sent to the parents.

The evaluation must be sufficient to accurately and completely assess the nature and extent of the suspected disability. The evaluation must also assess whether the student, because of a disability, needs or is believed to need special education or related services. Evaluations that are more limited than a full special education evaluation may be adequate in some circumstances. The evaluation or review of assessment information should include consideration of any behaviors that interfere with the otherwise qualified student's regular participation in the educational program and/or activities.

If the District does not suspect that a student has a mental or physical impairment that substantially limits one (1) or more major life activities and therefore determines not to evaluate, it will notify the parents/guardian of that decision through the issuance of a prior written notice (Form 2260.01A F18) and provide them with a copy of the Notice of Section 504/ADA Procedural Information and Rights.

. Before any action is taken with respect to the provision of special education or related services pursuant to a Section 504 Plan for a student with a disability, an evaluation shall be conducted or assessment information reviewed to determine if the student is disabled under Section 504.

Parents will be afforded the opportunity to meaningfully participate and provide input in the evaluation process. The assessment information may include, but will not be limited to, medical reports that document a physical/mental impairment, aptitude and achievement test scores, teacher observations and recommendations, and other data, including information on social or cultural background and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered. Additionally, if an evaluation is conducted, the Building Compliance Officer, in conjunction with the designated 504 Case Manager is responsible for verifying that:

A. tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

B. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and

C. tests are selected and administered so that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Re-Evaluations

Re-evaluations are not required at specific intervals; however, assessments will be updated so that eligibility and accommodation planning is based on information that accurately defines the student's disability and reflects the student's current strengths and needs. At least every three (3) years appropriate school staff should determine whether updated evaluations are needed. A re-evaluation will be completed prior to a significant change in placement. When a re-evaluation is needed, parents will be sent prior notice (Form 2260.01A F18) and a copy of the Notice of Section 504/ADA Procedural Information and Rights. Consistent with initial evaluations, parents will be afforded the opportunity to meaningfully participate and provide input in the re-evaluation process.

Eligibility Determination

Within a reasonable period of time (generally no more than sixty (60) calendar days), the Building Compliance Officer/designee will convene an Intervention Assistance Team ("IAT") Conference. The student's parents will be sent a letter inviting them to attend and participate in the IAT conference (Form 2260.01A F9). The letter to the parents should be sent at least five (5) calendar days prior to the Conference. Parents will also be sent a copy of the Notice of Section 504/ADA Procedural Information Rights. The IAT shall be composed of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and should at a minimum include the Building Compliance Officer, the designated 504 Case Manager, and the parents. The IAT may also include general education teacher(s), student, guidance counselor, school psychologist, the District's Health Coordinator, school nurse, Director of Pupil Services/Special Education, and other persons with knowledge of the student or the suspected disability, and any other individual the parents may wish to bring to the Conference. The purpose of the Conference is to discuss the information gathered, determine whether the student has a disability under Section 504 (i.e. review the impairment and determine whether it substantially limits one (1) or more major life activities),

and, if so, determines whether the student requires special education or related services, including accommodations/modifications/interventions in order to receive a free appropriate public education ("FAPE") and to access the District's programs and activities on an equal basis to students without disabilities.

The Building Compliance Officer/designee will serve as the Chairperson of the IAT Conference. The Chairperson has the following responsibilities:

A. at each IAT Conference, to verbally explain and offer a written copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3)

B. gather information

C. organize the presentation of the data

D. coordinate the deliberation of Section 504 eligibility (see Form 2260.01A F11):

1. Does the student have a physical or mental impairment?

2. Does that impairment "substantially limit one (1) or more major life activities"?

3. Does the team have the data to justify a disability determination?

4. Is the student a qualified individual with disabilities within the meaning of Section 504?

At the IAT Conference, the IAT will determine the needs,special education or related services, including accommodations/modifications/interventions, and placement for the student, which may include, but are not limited to:

A. adjusting testing procedures;

B. individualize classroom assignments, homework;

C. provide staff interventions;

D. utilize assistive technology;

E. provide a buddy to take notes;

F. provide an interpreter (for students or adults);

G. modify materials;

H. modify the student's day;

I. facilitate or modify parents/student/teacher/staff communication;

J. modify school procedures (e.g., provide additional time for passing between classes, adjust transportation, or approve early dismissal);

K. develop and implement appropriate medical plans (e.g. emergency, asthma, seizure, or allergy plans) for eligible students whose physical or mental impairment impacts a major life activity other than learning.

Thespecial education or related services, including accommodations/modifications/interventions will be individualized to meet the needs of the student.

In interpreting data and making placement decisions, the District will draw upon information from a variety of sources, including aptitude and achievement tests, teacher observations and recommendations, medical reports that document a physical/mental condition, social or cultural background, and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered.

Possible Outcomes of the IAT Meeting

A. Student is eligible for a Section 504 Plan (Form 2260.01A F13). The IAT documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Section 504 Plan is developed by the IAT. Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

B. Student is ineligible for a Section 504 Plan. The IAT documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

    1. The IAT determines if the student needs interventions pursuant to an RtI Plan. If RtI is determined to be appropriate, the IAT will develop strategies to provide necessary interventions. The interventions should be documented on RtI paperwork. A copy of the RtI plan should be filed in the student's cumulative record folder. A copy of the RtI plan is NOT required to be sent to the District Compliance Officer.

2. Student will be served appropriately in the regular education program without written interventions.

C. The IAT determines that it needs to collect more information before making an eligibility determination.

The Summary Evaluation Report (Form 2260.01A F10) shall reflect the determination on the issue of whether the student has been identified as disabled under Section 504. This document should be reviewed periodically.

Section 504 Plan

If a student is identified as disabled pursuant to Section 504, and the IAT student requires special education or related services, including accommodations/modifications/interventions in order to receive FAPE and to access the District's programs and activities on an equal basis to students without disabilities, the IAT will develop and complete the Section 504 Plan (Form 2260.01A F13). Aside from the description of the student's disability and the special education or related services and aides needed, the Plan will specify how the student will be provided FAPE. The Plan will specify the special education and/or related services, including accommodations/modifications/interventions necessary so that the student's needs are met as adequately as the needs of nondisabled students. The purpose of the Section 504 Plan is to provide the student with equal access to school activities, to remove barriers to educational opportunity, and provide, to the degree possible, a level playing field. The Section 504 Plan should be signed by the members of the IAT, including the parents. A copy of the Plan will be sent to the District's Compliance Officer and the Building Compliance Officer **as soon as possible**. A copy of the Plan also will be placed in the student's cumulative folder and given to school personnel who work with the student. If the parents are present, the Building Compliance Officer will request written permission from the parents to implement the Section 504 Plan. For initial plans, parent consent is required prior to implementation by the District. If the parents do not attend the meeting to develop a Section 504 Plan, the District will make reasonable efforts to obtain parental input prior to finalizing the plan and (a) submitting the Plan to parents for consent or (b) implementing a subsequent Plan. After parents consent to the initial Section 504 Plan, the District may implement subsequent plans without written parental consent, but the parents must be provided with a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) that explains their right to challenge the District's actions. Regardless of whether it is an initial or subsequent plan a copy of the Plan must be sent to the student's parents.

With respect to Section 504 Plans, the designated 504 Case Manager is responsible for:

A. informing staff that the Section 504 Plan is a legal document;

B. writing and distributing the Section 504 Plan;

C. encouraging staff to request a 504 review if they are concerned about or unable to follow the Section 504 plan;

D. ensuring that reviews of Section 504 plans are held annually by October 15th, and that the results of the annual review are sent to the District Compliance Officer.

Upon completion of the Section 504 Plan, the Building Compliance Officer should follow the Additional Procedures Applicable to Students with Section 504 Plans (see below).

Additional Procedures Applicable to Students with Section 504 Plans

A. Prior to the beginning of each school year:

1. The Building Compliance Officer or his/her designee is responsible for identifying the students in his/her building who have had Section 504 Plans in the past and designating a 504 Case Manager.

2. The designated 504 Case Manager or his/her designee is responsible for obtaining a copy of the previous school year's Section 504 Plans and distributing them to all appropriate staff members.

B. Within the first two (2) months of the school year:

1. The Building Compliance Officer/designee must notify the student's parents that the IAT needs to meet to review the Section 504 Plan and to determine whether it is still necessary/appropriate for the new school year.

2. The Building Compliance Officer/designee must schedule an IAT meeting to formulate a Section 504 Plan for the student for the new school year. The Section 504 Plan Review form (Form 2260.01A F17) must be completed at the meeting. The IAT, including the parents, is charged with deciding whether to continue the existing Plan, discontinue the current Plan, or develop a new Plan.

3. If there is an "active" Section 504 Plan, a copy of the Plan needs to be forwarded to the District Compliance Officer by October 15th of each school year and a copy of the Plan placed in the student's cumulative record folder.

4. Updated copies of the student's Section 504 Plan will be distributed to all of the student's teachers after review by the 504 Case Manager.

C. During the school year:

The Section 504 Plan can be reviewed by the IAT at any time if concerns develop as to the appropriateness of the special education or related services, including accommodations/modifications/interventions, being used with the student. This review can be initiated by staff or parents.

D. Procedural Safeguards:

Any time the written results of an IAT meeting are provided to a student's parents, they should also be offered a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

Parents' Options If They Disagree with the District's Identification, Evaluation and/or Placement of Their Child

The parents may challenge the actions of the IAT regarding identification, evaluation or placement of their child by filing a request for an impartial due process hearing. Alternatively, the parents may file an internal complaint. If the parents elect the former, the Board must provide a due process hearing before an impartial hearing officer ("IHO") that is not employed by the District. See AG 2260.01B - Section 504/ADA Parents' Procedural Rights, including Due Process Hearing. A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and parents do not waive that right if they first opt to try to resolve their dispute through the internal complaint process. If a parent is not satisfied with the IHO's decision, s/he may appeal it to a Federal Court of competent jurisdiction.

The parents may also file a complaint with the Office for Civil Rights. The Office for Civil Rights, however, is not part of the District's internal complaint process or the system of procedural safeguards, and, absent extraordinary circumstances, will not review the results of individual placement and other educational decisions so long as the District complied with the "process" requirements of Section 504 (concerning identification and locations, evaluation, and due process procedures).

Facilities

With regard to accessibility of facilities, the District will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will serve persons with disabilities in the most integrated setting appropriate.

© Neola 2018

SECTION 504/ADA PARENTS' PROCEDURAL RIGHTS, INCLUDING DUE PROCESS HEARING

2260.01B - **SECTION 504/ADA PARENTS' PROCEDURAL RIGHTS, INCLUDING DUE PROCESS HEARING**

Procedural Information and Rights - Students and Parents

In accordance with various Federal laws (including Section 504, the Americans with Disabilities Act of 1990, as amended ("ADA"), FERPA, and Title VII), the following procedural safeguards will be provided with respect to decisions or actions regarding the identification, evaluation, educational program or placement, or content of a Section 504 Plan of a student who is or may be disabled under Section 504, but not also disabled under the IDEIA:

A. students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities;

B. parents have the right to be advised of their rights under Section 504;

C. parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;

D. parents have the right to have their child receive a free appropriate public education ("FAPE") if the child has a physical or mental impairment that substantially limits one or more major life activities;

This includes the right to be educated with students who are not disabled to the maximum extent appropriate (i.e., the student's education will be provided in the regular education classroom unless it is demonstrated that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids/services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met.

E. parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;

F. parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options;

G. parents have the right to have their child transported in a non-discriminatory manner;

If the District refers a student for aids, benefits, or services outside the District, the District will ensure that adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services were provided within the District.

H. parents have the right to place their child in a private school or alternative educational program;

However, if the District makes a FAPE available to the student that conforms to the requirements of Section 504 and nevertheless the parents choose to place the student elsewhere, the District is not required to pay for the student's education at the private school or alternative program, including costs associated with transportation.

I. parents have the right to have their child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;

J. parents have the right to examine all relevant education records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement;

K. parents have the right to obtain, at their own expense, an independent educational evaluation of their child;

L. parents have the right to obtain copies of education records at a reasonable cost unless the fee would effectively deny the parents access to the records;

M. parents have the right to a response from the District to reasonable requests for explanations and interpretations of their child's education records;

N. parents have the right to receive all information in the parents' native language and mode of communication;

O. parents have the right to periodic re-evaluations and an evaluation before any significant change in placement

P. parents have the right to request amendments of their child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child;

If the District refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record(s) a statement of why they disagree with the information it contains.

Q. parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;

R. parents have the right to file an internal complaint;

S. parents have the right to be represented at any point in the process by an attorney;

T. parents have the right to recover reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim);

U. parents have the right to be notified of their Section 504 rights, including but not limited to:

1. when the District does not suspect a disability and declines to conduct an evaluation;

2. when evaluations and re-evaluations are conducted;

3. when consent for an evaluation is provided or withheld;

4. when eligibility is determined, including when the team finds the student ineligible;

5. when a Section 504 Plan is developed, including when the District decides to implement a Plan without parental consent;

6. including concerning student's placement; and

7. before there is significant change in the Section 504 Plan , including concerning student's placement; and

8. when an internal complaint or a request for a due process hearing is filed.

Due Process Hearing

A. When a request for a due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an impartial hearing officer ("IHO") (i.e., by a person not employed by the Board of Education, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with his/her objectivity in the hearing).

B. The District will maintain a list of trained IHO's that may include IDEIA hearing officers, attorneys, and Directors of Special Education outside the District. The District Compliance Officer will appoint an IHO from that list, and the costs of the hearing shall be borne by the District. The appointment of an IHO will be made within fifteen (15) school days after the request for a due process hearing is received.

C. A party to such a due process hearing shall have:

1. the right, at his/her/their own cost, to be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

2. the right to present evidence, and confront, cross-examine and compel the attendance of witnesses;

3. the right to a written or electronic verbatim record of such hearing; and

4. the right to written findings of fact and the reasons for the decision.

D. The IHO shall conduct the due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) calendar days from the request for such a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances).

E. The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) calendar days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:

1. a statement of time, place and nature of the hearing;

2. a statement of the legal authority and jurisdiction under which the hearing is being held;

3. a reference to the particular section of the statutes and rules involved;

4. a statement of the availability of relevant records for examination;

5. a short and plain statement of the matters asserted; and

6. a statement of the right to be represented by counsel.

F. The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and to otherwise be heard. The parent and/or student may be represented by another person of his/her choice, including an attorney.

G. The IHO shall make a full and complete record of the proceedings.

H. The IHO shall render a decision in writing to the parties within thirty (30) calendar days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision.

The notification shall include a statement that either party may appeal the decision.

I. Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, 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.

© Neola 2018

ag2270

RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

The Board of Education has adopted a policy favoring the understanding of religions by the students of this District and the contributions religions have made to the advancement of civilization. The Board has further acknowledged 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. When developing or implementing any course of study in which religion is dealt with, the following guidelines should be followed:

A. Course content can neither inhibit nor advance any religion.

B. No devotional practices shall be permitted or requested of the students.

C. The use of art, literature, and music descriptive of the religion is permitted.

D. Students electing to participate may not be excused from selected portions of the course on the grounds that participation therein interferes with the free exercise of their religion. However, it should be noted that 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 will honor a written request for his/her child to be excused from particular class periods for specified reasons. In such cases, the teacher will provide the student with alternate learning activities during the times of such parent requested absences.

E. Complaints by students or the public regarding any such course of study will be handled in accordance with Board Policy 9130.

F. District staff members may limit a student's exercise or expression of his/her religious beliefs to lunch periods or other non-instructional time periods when students are free to associate.

Course(s) of study including instruction on religions shall be subject to the same administrative reviews as other course material and may not be implemented without prior Board approval.

© Neola 2013

ag2271

COLLEGE CREDIT PLUS PROGRAM

2271 - **COLLEGE CREDIT PLUS PROGRAM**

The following guidelines are established in accordance with Board of Education policy and the rules of the State Department of Education.

Each year, prior to February 1st, the District shall provide information regarding the College Credit Plus Program to the students currently enrolled in grades six (6) through eleven (11) and to their parents (Form 2271 F6). This information should be provided through multiple and easily accessible resources, including, but not limited to, the District's website, student assemblies, written communications to students (either electronically or through hard copy), and joint communication events with institutions of higher education.

The institutions of higher education (IHE) to which the College Credit Plus Program applies are: both public colleges as defined in R.C. 3365.01 and participating private colleges as defined in R.C. 3365.01.

All courses offered under the College Credit Plus Program must be the same courses included in the partnering IHE's course catalogue for college-level, nonremedial courses, and must apply to at least one (1) degree or professional certification at the partnering college or university.

All instructors teaching a course under the College Credit Plus Program must meet the credential requirements set forth in guidelines and procedures established by the chancellor of the Ohio Board of Regents. If the guidelines require high school teachers to take any additional graduate-level coursework in order to meet the credential requirements, that coursework will be applicable to continuing education and professional development requirements for the renewal of the teacher's educator license. For high school teachers that are teaching courses for the college at a secondary school under the College Credit Plus Program, the participating IHE will provide at least one (1) professional development session per school year for such teachers and conduct at least one (1) classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to verify that the course meets the quality of a college-level course.

Eligibility (see Form 2271 F2 and Form 2271 F3)

A. Students must be bona fide seventh graders, eighth graders, freshmen, sophomores, juniors, or seniors for the year in which participation is sought. In addition, the student must meet the standards for admission, enrollment, and course placement of the IHE and relevant academic programs.

B. Students must satisfy one (1) of the following criteria:

1. be remediation-free in one (1) of the assessments established under R.C. 3345.061(F) (i.e., uniform statewide standards in mathematics, science, reading, and writing established by college presidents); or

2. 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) standard error of measurement below the remediation-free threshold for 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.

C. A student who has been expelled by this Board is ineligible to enroll during the period of expulsion. The Board **may** deny high school credit for the College Credit Plus Program any portion of which are taken during the period of a student's expulsion. If the student has elected to receive both high school and college 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.

D. 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 residents 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 eighteenth (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.

Students participating in the College Credit Plus Program must elect at the time of enrollment in each course whether s/he is enrolling under **OPTION #1** or **OPTION #2** as outlined below:

OPTION #1

The student is responsible for all tuition, textbooks, materials, and fees associated with the course, and must choose whether to receive only college credit, or high school and college credit for the course; or

OPTION #2

The student will have the participating college reimbursed by the Ohio Department of Education for all tuition, textbooks, materials, and fees associated with the course, and the student will receive both college credit and high

school credit for the course.

During the time a student attends a course under **OPTION #1**, the student is not considered attending or enrolled in school anywhere. During the time a student attends a course under **OPTION #2**, the student is considered attending or enrolled in the District.

A student may not enroll in courses to receive credit toward high school graduation for more than the equivalent of:

A. four (4) academic school years, if the student so enrolls for the first time in grade nine (9);

B. three (3) academic school years, if the student so enrolls for the first time in grade ten (10);

C. two (2) academic school years, if the student so enrolls for the first time in grade eleven (11);

D. one (1) academic school year, if the student so enrolls for the first time in grade twelve (12).

Enrollment

A. By April 1st of each year, a student or his/her parent must complete and submit the Letter of Intent to Participate in College Credit Plus Program Form 2271 F1 to the Principal which signifies the student's intent to participate in the program for the following school year. Prior to completing this form the student and his/her parents must participate in the special counseling sessions described below and confirm receipt of these counseling services by signing the Statement of Responsibility Form 2271 F7.

B. Failure to meet this deadline shall exclude the student from the program for that school year unless written consent is granted by the Principal and the Principal notifies the Department of Education of the student's intent to participate within ten (10) days of the date the student seeks consent. If the Principal does not grant consent, the student may appeal the Principal's decision to the Superintendent. The decision of the Superintendent is final. Participation may be withdrawn by the student or parent at any time upon written notification to the high school administration.

C. Students must identify which credit option, either **OPTION #1** or **OPTION #2** above, they wish to pursue prior to the start of the first class session of the fall quarter or semester at the college. Once the first class session of the fall term has been held, the student may not change the option selected during the period of that school year, regardless of the number of courses taken.

Expulsion Notices to IHE

When a student is expelled, the Superintendent will send a written notice to any IHE in which the expelled student is enrolled under a College Credit Plus Program at the time the expulsion is imposed. This notice must 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 courses taken during an expulsion. If the expulsion is later extended, the Superintendent again must notify the IHE.

Annual Information Session

The District will schedule at least one (1) informational session per school year to allow each partnering IHE that is located within thirty (30) miles of the school to meet with interested students and parents. The session will include the benefits and consequences of participation, as well as information concerning eligible courses, and will outline any changes or additions to the requirements of the program. The session will also include information concerning the probation, dismissal, and appeal procedures for underperforming and ineligible students as set forth in Board policy. If there are no partnering IHEs located within thirty (30) miles of the school, the District will coordinate with the closest partnering college to offer an informational session. Multiple high schools within a district and multiple districts may participate together in a combined event, as long as in each instance parents and students have an opportunity to interact with a representative of and receive information from each participating College Credit Plus Program institution and their secondary school, so they will understand their College Credit Plus Program opportunities.

Program Requirements

Students can choose to enroll in 1) courses taught at the college or university, 2) online courses, if available, or 3) College Credit Plus Program courses taught within the District, if available, or in a combination of the three (3). All students who have enrolled in the IHE under the College Credit Plus Program must be assessed with the same standard of achievement and held to the same grading standards, regardless of where the course is delivered.

For College Credit Plus Program classes taught within the District, such classrooms will consist of students who all follow the same course syllabus, use the same textbook and materials, aspire to achieve the same learning outcomes, and are assessed using the same methods as the college course delivered on the college campus. A District student who is not enrolled in the IHE, but who is in the College Credit Plus Program classroom must, along with the student's parents, be provided written notice (Form 2271 F5) stating the student is not earning college credit and would likely be required to retake the course upon enrollment at an institution of higher education if college credit is desired.

The District will verify that none of its students participating in the College Credit Plus Program is taking more than thirty (30) college credit hours during an academic year and not more than the equivalent of four (4) academic years or 120 college credit hours total through the College Credit Plus Program.

The District will determine the number of college credits a student earned through the College Credit Plus Program by using the following calculation:

A. Take the number of high school units scheduled by the District for which the student receives only high school credit, then multiply that number by three (3), and then subtract the result from thirty (30). The resulting number shall be the total number of college credits a student participant may earn under the College Credit Plus Program in an academic year.

OR

B. Under the College Credit Plus Program, postsecondary quarter hours are equal to .67 semester hours rounded to the nearest whole number.

The District will determine the amount of high school credit earned through participation in the College Credit Plus Program by using the following calculation:

A. A College Credit Plus Program course transcripting three (3) or more semester credit hours shall count as one (1) full high school unit.

OR

B. A College Credit Plus Program course transcripting less than three (3) semester hours shall count as the proportional fraction of a high school unit.

The District will ensure that enrollment in a College Credit Plus Program course for which an end-of-course examination is required under Section 3301.0712 of the Ohio Revised Code does not circumvent the participating student's obligation to take the required end-of-course examination.

Course Eligibility

A student participating in the College Credit Plus Program shall complete fifteen (15) semester credit hours of Level I courses that may be applied toward a certificate or degree prior to taking a Level II course, except as follows:

A. A student may take a Level II course in the same subject prior to completing the required fifteen (15) semester credit hours upon successful completion of a Level I course.

B. A student may take a Level II course that has a Level I course as a prerequisite if the student, in accordance with the course placement guidelines of the IHE in which the student enrolls, has demonstrated by an

assessment or other means that the student is academically prepared for the course.

C. A student may count an advanced placement course or international baccalaureate diploma course completed in the District toward the fifteen (15) semester credit hours of courses with evidence that the student attained the required score on an examination covering the coursework. In the case of an advanced placement course, the required score shall be the passing score set forth in the standards adopted under R.C. 3333.163. In the case of an international baccalaureate diploma course, the required score shall be the passing score specified by the IHE in which the student enrolls that the IHE considers sufficient to award college credit for the course.

After successfully completing fifteen (15) semester credit hours as set forth above, the student may enroll in a Level II course that may be applied toward a certificate or degree.

Non-Allowable Courses

A. an applied course that involves one-on-one private instruction such as instruction in instrumental music, voice, or art;

B. a course for which the fees (as defined in the rules and R.C. 3345.49) exceed an amount established by the chancellor of the Ohio Board of Regents;

C. a study abroad course or similar course;

D. a physical education course;

E. a course that is graded on a pass/fail or satisfactory/unsatisfactory basis rather than using letter grades, with the exception of an internship course;

This section does not apply to a transferable course that is graded on a pass/fail basis for all students not participating in the College Credit Plus Program.

F. a remedial or non-college-level course as prohibited by R.C. 3365.02;

G. a sectarian course as prohibited by R.C. 3365.02.

If a non-allowable course as set forth above is a part of a predetermined pathway or required sequence of courses leading to a certificate or degree, an IHE, on behalf of one or more students who are enrolled in the IHE through the College Credit Plus Program and have shown progress on that pathway or sequence of courses through their previous coursework, may request the chancellor of the Ohio Board of Regents to allow payment for the course under R.C. 3365.07.

Notifications

Upon receipt of a student's pre-term notice of admission, the District shall verify that the student is enrolled in an appropriate level of course as defined in the course eligibility rules adopted by the Department of Education. If the student is not enrolled in an appropriate level of course, the District shall notify the student and the student's parents that the student must either withdraw from the course prior to the IHE's prescribed no-fault waiver date or pay all tuition, fees, and textbook costs for the course.

The District will work with each IHE in which the District's students are enrolled under the College Credit Plus Program to verify that the required notifications concerning course eligibility are provided to students.

Home-Schooled Students

Any home-schooled student participating in the College Credit Plus Program shall be required to comply with the course eligibility rules adopted by the Department of Education. The student's parents, however, shall be responsible for verifying that the student is enrolled in an appropriate level of course as defined in the course eligibility rules adopted by the Department of Education and that the student is not enrolled in a non-allowable course.

Development of Model Course Pathways

The District will develop, in consultation with at least one (1) public partnering college or university, two (2) model pathways for courses offered under the College Credit Plus Program. The model pathways will serve as samples of the courses that a student can take toward a specified degree or certificate. One (1) of the model pathways will be a fifteen (15) credit hour pathway and one (1) will be a thirty (30) credit hour pathway. Each pathway shall include courses which, once completed, all apply to at least one (1) degree or professional certification offered at the IHE. The pathways may be organized by desired major or career path or may include various core courses required for a degree or professional certification by the IHE. The Board will publish the pathways among the school's official list of course offerings.

Counseling Services (see Form 2271 F4)

The student and parents must participate in the following counseling services provided by the District. The counseling session may be incorporated into the annual information session provided the District makes alternative dates available for those unable to attend the annual information session. If the counseling session is held separately from the informational session, it will include information concerning the probation, dismissal, and appeal procedures for underperforming and ineligible students as set forth in Board policy, as well as information

concerning eligible courses. At the session, students will receive a copy of a permission slip regarding the potential for exposure to mature subject matters/materials in a college credit plus course, which must be completed with the student's application.

Program Eligibility and Credit Options

Potential Risks and Consequences

Among the potential risks of participation the student must be willing to accept are:

A. increased student responsibility for learning because of less instructional guidance;

B. reduced opportunities to participate in high school co-curricular and extra-curricular activities;

C. increased financial obligations for tuition, books, materials, and fees, if college credit only is sought;

D. potential loss of after-school employment opportunities;

E. possible effect on grade point average and class standing;

F. possible delay of graduation;

G. increased time for travel, study, etc.

H. exposure to mature subject matter and materials, including those of a graphic, explicit, violent, or sexual nature that will not be modified because of the student's participation.

Potential benefits are:

A. expanded curriculum offerings;

B. opportunities to study in more depth those areas of special interest or need;

C. opportunities to earn college credits while still in high school;

D. opportunities for financial support for taking college courses while still in high school;

E. opportunities to experience college-level work and life prior to making final decisions about whether and/or where to attend college.

College Acceptance and Scheduling

Participation is contingent upon admission to the IHE. The District will assist the student in gaining admission by providing transcripts and other related documents but will accept no responsibility if the student is not accepted by the IHE. Students who are awaiting acceptance should register for District classes as if they were not participating in the program. Schedule changes will then be made prior to the start of each semester for those students who receive notice of admission which must be provided by the IHE, in writing, to the student, the District, and the Department of Education within ten (10) days of acceptance.

Participating Institutions of Higher Education

The District will maintain a list of all IHEs that currently participate in the program.

A. In the event that the student withdraws from the college class for high school credit within the first two (2) weeks of the college course, the student will be re-enrolled in the high school class(es) that were previously dropped.

B. Reasonable efforts will be made in scheduling to accommodate the needs of students who will be leaving the school campus in order to participate in this program. However, scheduling conflicts are not the responsibility of the District. Revising the master schedule and/or unduly overloading classes are not required in order to accommodate schedule requests.

Financial Arrangements

Students who elect to take the college course for college credit only will have the financial responsibility for tuition, textbooks, materials, and fees. The Board accepts no financial responsibility for those students who will be paying for their own tuition, fees, or textbooks. Those arrangements are between the college and the student and/or his/her parents.

Students assume no financial obligations if they elect to take the college course for college and high school credit. Tuition, textbooks, materials, and fees are assumed by the Board. Should students fail to complete a course taken for credit (whether through a formal class drop process or through nonattendance reasons other than those normally accepted by the school administration) any and all financial obligations assumed by the Board will default to the students and their parents.

Unless the student was expelled by the school, the Superintendent or chief administrator will not seek reimbursement from a participant or a participant's parent if the participant is identified as economically disadvantaged according to rules adopted by the Department of Education and these guidelines.

Process for Granting Academic Credits

When students elect to receive high school credit for college courses, credit will be awarded for successful completion of courses in accordance with the following guidelines:

A. The Principal shall require the student to submit a course syllabus or detailed description of each college course taken so that a comparison can be made with existing high school courses.

B. If the Principal determines that the college course is comparable to one (1) offered by the high school, the equivalent high school credit shall be granted.

C. If the Principal determines that the college course is not comparable to one (1) offered by the high school, credit shall be granted in a subject area similar to that taken by the student at the college.

D. In the event that the student or parents contest the credit, the Superintendent shall determine the appropriate credit. The Superintendent's decision may be appealed to the Ohio Department of Education, whose decision in the matter shall be final and binding.

E. Students who enroll in a college course for both high school and college credit will receive on their high school transcript the grade issued by the college. While the course will be clearly designated on transcripts as a college course taken for high school credit, the grade will be computed in the grade point average as if issued by the high school faculty.

F. If a student is expelled from the District's schools, the Principal shall deny high school credit for any College Credit Plus Program courses taken during the expulsion.

G. If a college withdraws its acceptance of an expelled student who elected to take courses for high school credit only, the District shall not award high school credit for the college courses in which the student was enrolled at the time the college withdrew its acceptance.

H. The policy for awarding grades and the calculation of class standing for College Credit Plus Program courses shall not disadvantage students who choose to participate in the College Credit Plus Program rather than in other advanced standing programs. All courses within the same academic subject area will provide the same value for all advanced standing courses, including College Credit Plus Program, advanced placement, international baccalaureate, and honor courses.

Criteria for Transportation Aid

All students participating in the College Credit Plus Program will be responsible for their transportation to and from their homes and the college or to and from the district school and the college.

If the District provides transportation to its students in grades eleven (11) and twelve (12), the parent of a student participating in College Credit Plus may apply to the Board for full or partial reimbursement for the necessary costs

of transporting the student between the secondary school the student attends and the IHE in which the student is enrolled.

Available Student Services

Students enrolled in the College Credit Plus Program will be entitled to all student services provided to any other of the District's school students (counseling, health, etc.). However, these services will be provided only while the students are on the school campus and only upon request. It is also the students' responsibility to keep themselves informed of academic and other requirements for all students who attend the school.

Consequences of Failing or Not Completing a Course

A. If students withdraw from the college course(s) within the first two (2) weeks of the course, they will be rescheduled for the appropriate District course(s), and no record of the college course will appear on the transcript. However, if students withdraw from the college course(s) after two (2) weeks of the classes, the course will appear on the transcript and will carry a grade of Withdrawn/Failing, which will be computed in the same manner as a failing grade on the high school transcript.

B. Any course taken for high school credit at an IHE and completed (or recorded as Withdrawn/Failing) will be clearly identified on the transcript along with the name of the IHE where the work was undertaken.

Effect on Completion of Graduation Requirements

Students may use college courses for credit toward high school graduation. However, it is the responsibility of participating students and parents to be sure that the courses undertaken will meet the graduation requirements for the students. Upon acceptance by the IHE, students should schedule an appointment with a high school counselor to develop a written schedule showing courses to be taken at the high school and at the IHE as well as all graduation requirements remaining to be met. No high school graduation requirements shall be waived for any student as a result of participation in this program.

Academic and Social Responsibilities of Students and Parents

A. When attending either regular classes or co-curricular/extra-curricular activities at the high school, students participating in this program will be expected to abide by all Board policies and the Student Code of Conduct. Students and their parents assume all responsibility and liability related to attendance at an IHE and must agree to hold harmless the Board of Education, the administration, and the staff for any incidents arising out of participation in this program.

B. Students must meet all requirements and standards established by the college and assume responsibility for attendance and behavior.

Information and Encouragement to Use College Counseling Services

The school counselors, during the individual counseling sessions, shall make available any information provided by the IHE concerning its counseling services. In addition, counselors should encourage students and their parents to utilize counseling services available at the college to better ensure successful completion of the college courses.

Grade Point Computation and Reporting of Grades

A. For those college courses taken for high school credit, the grade for that course will be computed at the end of the next regular grading period at the high school following the receipt of an official transcript from the IHE. All grades to be entered on the high school transcript must be taken from an official transcript from the IHE. Should there be an urgent need for a letter grade, notification on official letterhead from the college instructor advising of the grade will be accepted to verify the grade.

B. Eligibility for co-curricular and extra-curricular activities in accordance with Board Policy 2430, and Policy 2431 will be affected if courses are taken for high school credit. Students will be provided Form 2271 F2 and asked to have their instructor fill it out. This form should be submitted bi-weekly prior to the close of high school classes. Eligibility will be checked at the end of each college quarter or semester. A failing grade will result in an ineligibility for the next full school semester.

C. The student and parents must receive the standard packet of information for the College Credit Plus Program developed by the chancellor of the Ohio Board of Regents pursuant to R.C. 3365.15.

Economically Disadvantaged Students

No student considered to be economically disadvantaged shall be charged for anything related to College Credit Plus Program participation.

A student will be considered economically disadvantaged for the purpose of the College Credit Plus Program participation if the student is either a member of a household that meets the income eligibility guidelines for free or reduced-price meals, less than or equal to 185% of Federal poverty guidelines under the provisions of the National School Lunch Act, 42 U.S.C. 1758 or a member of a household that participates in at least one (1) of the following programs:

A. Medicaid;

B. food stamps;

C. supplementary security income (SSI);

D. Federal public housing assistance or Section 8 (a Federal housing assistance program administered by the department of housing and urban development);

E. low-income home energy assistance program.

Once the District determines that a student is economically disadvantaged, any of the student's siblings who attend school within the District will automatically be considered economically disadvantaged by the District without the District collecting its own data on that family.

Revised 7/19/18

© Neola 2022

ag2280

PRESCHOOL STAFF

2280 - **PRESCHOOL STAFF**

The preschool program shall be directed and supervised by a director, a head teacher, an elementary principal, or a site administrator (hereafter referred to as "director") who is on-site and responsible for supervision of the program. This person shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to Ohio law and have completed at least four (4) courses in child development or early childhood education from an accredited college, university, or technical college.

A. The director and staff shall be recruited, employed, assigned, evaluated, and provided in-service education in accordance with adopted Board policies and without discrimination on the basis of age, color, national origin, race, sex, or disability.

B. The preschool staff member assigned in each preschool class shall be of good character, possess adequate physical and emotional health, be equipped by education, training, and/or experience for the work they are to perform, and meet the requirements of State law.

C. Staff members, non-teaching employees, and volunteers shall annually sign a non-guilty/non-conviction statement on a prescribed form.

D. Each director and preschool staff member shall be examined by a licensed physician, physician's assistant, advanced practice nurse, or certified nurse practitioner within twelve (12) months prior to the first day of employment.

E. Each preschool staff member shall be at least eighteen (18) years of age and have a high school diploma or a certification of high school equivalency issued by the State Board of Education or a comparable agency. A staff member may be less than eighteen (18) years of age if:

1. the staff member is a graduate of a two (2) year career-technical center child care training program approved by the State Board of Education;

2. the staff member is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the career-technical center child care training program teacher/coordinator in the student's high school.

F. The director and staff shall be assigned responsibilities in accordance with written job descriptions commensurate with their certification and/or licensure pursuant to Ohio law, and qualifications, respectively. The director and/or lead teacher acting as the director shall be onsite at the preschool program for at least half of the program's operating hours.

G. The director of each preschool program shall be responsible for the following:

1. providing that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school community health resources for children as evidenced by, but not limited to, the following:

    a. requiring immunizations and compliance with emergency medical authorization requirements under R.C. 3313.712

    b. providing procedures for emergency situations, including fire drills, rapid dismissals, tornado drills, and school safety drills in accordance with R.C. 3737.73, and keeping records of such drills or dismissals

    c. posting emergency procedures in preschool rooms and making them available to school personnel, children, and parents

    d. posting emergency numbers by each telephone

    e. supervising grounds, play areas, and other facilities when scheduled for use by children, and

    f. providing first-aid facilities and materials

2. maintaining cumulative records for each child

3. supervising each child's admission, placement, transition, and withdrawal according to established procedures

4. preparing a roster of children enrolled annually

5. providing that clerical and custodial services are assigned for the program

6. supervising the instructional program and daily operation of the program

7. supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees

H. The director of the preschool program shall:

1. hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to Section 3319.22 of the Revised Code and have completed at least four (4) courses in child development or early childhood education from an accredited college, university, or technical college;

2. meet the appropriate qualifications pursuant to Section 3301.54 of the Revised Code;

3. be responsible for the duties outlined in Section 3301.56 of the Revised Code;

4. complete training on relevant State and Federal licensing rules as prescribed by the Ohio Department of Education and Workforce (DEW).

I. Each class/group in a preschool program shall have assigned a lead teacher in accordance with the following:

Preschool programs operated by a public school shall have a lead teacher for each class/group of children enrolled that meets one (1) of the following:

1. valid prekindergarten teaching certificate issued under Ohio law

2. valid prekindergarten associate certificate issued under Ohio law

3. valid kindergarten-primary certificate issued under Ohio law and have completed at least four (4) courses in child development in early childhood education from an accredited college, university, or technical college

4. a bachelor's degree in child development or early childhood education earned from an accredited college or university with a minimum of thirty (30) quarter or twenty (20) semester hours in child development/preschool program planning and methods including a supervised practicum with preschool children

5. an early childhood license pursuant to Ohio law

6. preschool special education programs shall have an intervention specialist teacher that meets one (1) of the following requirements:

    a. a valid license or education of the handicapped certificate with an endorsement in prekindergarten special needs or early education of the handicapped;

    b. a valid early childhood intervention or primary intervention specialist license;

    c. a valid supplemental or intervention specialist license in the area of prekindergarten special needs, early childhood intervention specialist, or intervention specialist in the areas of visually or hearing impaired children if the children are visually or hearing impaired; or

    d. a valid K-12 intervention specialist license and meets one (1) of the qualifications of a general education preschool lead teacher.

J. Extended day child care provided to preschool children before or after the preschool program shall have staff members assigned that, at a minimum, are at least eighteen (18) years of age and have at least a high school diploma or certification of high school equivalency issued by the State Board of Education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service, and background check as cited in this rule. Child care staff/child ratios in accordance with this rule must be maintained at all times.

K. Infant and toddler care programs shall have staff members assigned that, at a minimum, are at least eighteen (18) years of age and have at least a high school diploma or certification of high school equivalency issued by the State Board of Education or comparable agency. The extended child care staff member must also meet requirements related to a medical examination, in-service, and background check as cited in this rule. Child care staff/child ratios in accordance with this rule must be maintained at all times.

L. Substitutes for preschool staff members shall meet the following requirements:

1. be at least eighteen (18) years of age,

2. have at least a high school diploma or certification of high school equivalency,

3. have a medical statement signed by an appropriate medical provider certifying that the person is free of communicable disease and is fit to work with children,

4. meet requirements related to annual in-service/orientation training, criminal background check pursuant to R.C. 3301.541, and current non-guilty non-conviction statement,

5. provide evidence of an appropriate substitute license under R.C. 3319.226,

6. provide evidence they are qualified to provide services to children with disabilities if applicable, and

7. meet all other requirements for the position in which they are substituting in accordance with R.C. 3319.226.

M. Preschool staff members shall complete ten (10) annual clock hours. This may be part of the professional development plan in accordance with A.C. 3301-24 (Ohio law licensure requirements). Annual completion refers to the school year, from July 1st to June 30th.

Preschool staff employed part-time shall complete the in-service requirement based upon the percentage of time or full-time equivalency of their preschool assignment.

N. The training specified in paragraph (M) above shall be provided by an approved trainer who shall have at least two (2) years of experience specific to the subject area and possess one (1) of the following:

1. an associate or higher degree in child development or early childhood education, education, special education, speech-language pathology, home economics, nursing, nutrition, psychology, dental

hygiene, or social work

Evidence of an associate or higher degree shall be a copy of a diploma, a transcript, or other written evidence accepted by the director as evidence of completion of at least ninety (90) quarter credit hours or sixty (60) semester credit hours from an accredited college, university, or technical college. The coursework shall include at least thirty-six (36) quarter credit hours or twenty-four (24) semester credit hours in courses in any of the subject areas.

2. a prekindergarten certificate or endorsement or early childhood license issued by the State Board of Education

3. a license as a physician or registered nurse

O. A director and preschool staff member shall provide evidence of a BCII investigation and FBI criminal background check as required by R.C. 3301.541. Documentation that reports and five (5) year updates are sent to the District or to DEW's Office of Educator Licensure as required by law shall be kept on file.

Each staff member and volunteer shall annually complete a non-guilty/non-conviction statement.

P. The preschool staff member/child ratio must be maintained at all times.

1. Sufficient individuals must always be physically present with the children to meet staff member/child ratio requirements.

2. Each class/group shall have at least one (1) lead teacher as defined in paragraph (I) above.

3. No child shall ever be left alone or unsupervised.

4. In each program, the maximum number of children per preschool staff member and the maximum group size by age category of children are governed by State law and regulations and shall be as follows:

   General Education classrooms are taught by a general education teacher or dual-licensed teacher who meets lead teacher qualifications and will be made of fifty percent (50%) or fewer children with disabilities with a maximum of eight (8) children with disabilities.

   Lead teachers of general education classrooms will not serve as the intervention specialist or IEP case manager for children with disabilities.

   Co-taught classrooms are considered general education classrooms that are taught by two (2) licensed teachers, one (1) licensed general education teacher and one (1) licensed intervention specialist.

   All children in the class are included on the general education teacher's roster and children with disabilities are also counted on the intervention specialist's caseload.

   The maximum number of children per program and maximum number of children per staff member is based on the age category of children served. Waivers are required when a group of more than eight (8) preschool children with IEPs are served in accordance with A.C. 3301-51-11.

Age Group & Staff Member/Child Ratio	Maximum Group Size
Birth to less than twelve (12) months/1:5 (or 2:12 if two (2) preschool staff members are in the room)	12
Twelve (12) months to less than eighteen (18) months/1:6	12
Eighteen (18) months to less than thirty (30) months/1:7	14
Thirty (30) months to less than three (3) years/1:8	16
Three (3) years/1:12	24
Four (4) year olds and five (5) year olds not in kindergarten or school/1:14	28

Preschool integrated classrooms in which fifty percent (50%) or fewer students in the class are children with disabilities shall meet the following:

a. A full-time staff member shall be provided when there are eight (8) full-day or sixteen (16) half-day preschool children eligible for special education enrolled in a center-based preschool special education program.

b. Staff ratios of one (1) teacher for every eight (8) children at all times in center-based programs, and a second staff member shall be present when nine (9) or more children are enrolled (including nondisabled children enrolled in a class session).

c. The maximum group size shall not exceed sixteen (16) children, with a maximum of eight (8) children with disabilities. The lead teacher is responsible for specially designed instruction for one (1) or more children with IEPs enrolled in the classroom. Waivers are required when a group of more than eight (8) preschool children with IEPs are served in accordance with A.C. 3301-51-11.

5. An intervention specialist classroom teacher will have a caseload of no more than eight (8) preschool children with disabilities in one (1) class session. A teacher who is responsible for two (2) half-day sessions may serve no more than sixteen (16) students with disabilities.

Q. At least two (2) responsible adults shall be readily available at all times when seven (7) or more children are present in the program. One (1) adult shall be a preschool staff member. The second adult shall:

1. be available within the building used for the preschool program or in an adjacent outdoor area;

2. be able to be summoned by the preschool staff member without leaving the group alone or unsupervised; and

3. be able to react in response to such summons so as to reduce risk to children during an emergency circumstance.

R. When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one (1) child, thirty (30) months of age or older, receives care in a group in which all the other children are in the next older age group, the maximum number of children per preschool staff member and maximum group size requirements of the older age group established in paragraph (P) above shall apply.

Preschool and school-age groups may be combined at the beginning or end of the day when there are twelve (12) or fewer children.

S. In a room where children are napping or resting, if all children are at least eighteen (18) months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half (1 1/2) hours in any twenty-four (24) hour day, be twice the maximum number of children per preschool staff member established in paragraph (P) above if all the following criteria are met:

1. at least one (1) preschool staff member shall be physically present in the room at all times during nap/rest time

2. the preschool staff member(s) assigned to a room where children are napping shall be responsible for the care and supervision of the children in the room and shall be able to summon other child-care staff members without leaving the room

3. there shall be enough preschool staff members readily accessible within the building in which the program is located to provide that the maximum number of children per preschool staff member as required by paragraph (P) above is met at all times

4. nap/rest time preparation shall have been completed and all napping children shall be resting or sleeping on cots or mats

   Staff are not required to be present in a nap room for the purpose of supervising children if fifty percent (50%) of the wall space is open, staff can see all children at all times, and staff are routinely checking children every five (5) minutes.

T. Staff members shall be made aware of each child's cumulative and health records.

© Neola 2023

ag2280.03

PRESCHOOL HEALTH AND SAFETY

2280.03 - **PRESCHOOL HEALTH AND SAFETY**

The health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health resources for children.

The program shall adhere to Board of Education policies and administrative guidelines concerning immunization; emergency medical authorization requirements; providing and posting procedures for emergency situations, including fire drills, rapid dismissals, and tornado drills (including keeping records of such drills or dismissals); and providing procedures for written notification to parents in the event of a child being injured and maintaining a log of injury reports. Medical and dental emergency procedures shall be posted in each preschool room and by each telephone and shall be made available to school personnel, children, and parents. Emergency numbers shall be posted by each telephone. Grounds, play areas, and other facilities shall be supervised when scheduled for use by children. First aid facilities and materials shall be provided.

When administering a medication, food supplement, modified diet, or fluoride supplement, the program shall:

A. prior to administration, secure the written instructions of a licensed prescriber as appropriate for the administration of any medication, food supplement, modified diet, or fluoride supplement; and

B. each time medication is administered, a written record or log including dosage, date, and time shall be made. That record or log shall be kept on file for one (1) year.

All preschool staff members shall wash their hands with soap and running water after each diaper change, or after assisting a child with toileting; after cleaning; after toileting; before preparing or eating food; before feeding any child; and when hands have been in contact with nasal or mucous secretions. Disposable towels or an air hand dryer shall be available at all times.

Management of Communicable Disease

A person trained to recognize the common signs of communicable disease or other illness shall observe each child daily as the child enters a group. A "person trained to recognize the common signs of communicable disease" means any person trained in prevention, recognition, and management of communicable diseases.

The following precautions shall be taken for children suspected of having a communicable disease:

A. The program shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness or has been exposed to a communicable disease.

B. A child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to their parent or guardian:

1. diarrhea (more than one (1) abnormally loose stool within a twenty-four (24) hour period)
2. severe coughing, causing the child to become red or blue in the face or to make a whooping sound
3. difficult or rapid breathing
4. yellowish skin or eyes
5. conjunctivitis
6. temperature of 100 degrees Fahrenheit taken by the auxiliary method when in combination with other signs of illness
7. untreated infected skin patch(es)
8. unusually dark urine and/or gray or white stool
9. stiff neck
10. evidence of lice, scabies, or other parasitic infestation

C. A child with any of the following signs or symptoms of illness shall be immediately isolated from other children. Decisions regarding whether the child should be discharged immediately or at some other time during the day shall be determined by the director and the parent or guardian. The child, while isolated at the program, shall be carefully watched for symptoms listed in paragraph B of this rule as well as the following:

1. unusual spots or rashes
2. sore throat or difficulty in swallowing
3. elevated temperature

4. vomiting

D. Programs shall follow the Ohio Department of Health's "child day care communicable disease chart" for appropriate management of suspected illnesses.

E. A child isolated due to suspected communicable diseases shall be:

1. cared for in a room or portion of a room not being used in the preschool program;

2. within sight and hearing of an adult at all times;

No child shall ever be left alone or unsupervised.

3. made comfortable and provided with a cot;

All linens and blankets used by the ill child shall be laundered before being used by another child. After use, the cots shall be disinfected with an appropriate germicidal agent or, if soiled with blood, feces, vomitus, or other body fluids, the cots shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.

4. observed carefully for worsening condition;

5. discharged to parent, guardian, or person designated by the parent or guardian as soon as practical.

The program shall manage communicable diseases in accordance with Policy 8450 and Policy 8453 and AG 8450, AG 8450A, and AG 8453.

Training shall be provided for all preschool staff in signs and symptoms of illness and in handwashing and disinfection procedures.

The parent or guardian shall be notified immediately when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.

The parents of all enrolled children shall be notified when children are exposed to a diagnosed communicable disease such as pink eye, ringworm, chicken pox, or lice.

All programs must have a procedure regarding the care of a mildly ill child. "Mildly ill child" means a child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in

paragraph B above or a child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph B above.

In each building in which a program is operated, there shall be readily available at all times at least one (1) preschool staff member who has completed a course approved by the State Department of Health in (1) first aid and (2) prevention, recognition, and management of communicable diseases.

The parent of a child enrolled in the program shall be permitted unlimited access to the school during its hours of operation to contact the parent's child, evaluate the care provided by the program, the premises, or for other purposes approved by the director. Upon entering the premises, the parent shall report to the school office.

Child Abuse Recognition and Prevention

In each building in which a program is operated, there shall be readily available at all times at least one (1) preschool staff member who has completed a course in child abuse recognition and prevention based on an approved curriculum. Consistent with State law and Policy 8462, preschool staff shall complete at least four (4) hours of in-service training in child abuse recognition and prevention within two (2) years of employment and every five (5) years thereafter.

Diapering/Toileting

The changing of diapers for all non-toilet-trained children shall be handled in conformity with the following methods:

A. The changing of diapers for all non-toilet-trained children shall occur in a space that contains a hand-washing facility.

B. The program shall provide disposable gloves for diapering; however, the use of gloves or hand sanitizer does not preclude requirements for proper hand washing.

C. If an infant's diapers are to be changed in a crib or at a central changing station, there shall be some separation material between the infant and the changing surface. The material shall be discarded and replaced after each change.

D. The central diaper-changing station or crib shall be disinfected after each diaper change with an appropriate germicidal agent in a manner consistent with the manufacturer's guidelines. If the diaper-changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.

E. Any product used during diaper changing on more than one (1) child shall be used in such a way that the container does not touch the child. Any product obtained applied to a child shall be applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.

F. For the purpose of diapering, topical ointments and creams provided by parents shall include written instructions. Such instructions shall include the name of the ointment, cream, or lotion; name of the child; birth date of the child; date; and signature. Written instructions shall be valid for no longer than three (3) months. Authorization for administration of the ointment, cream, or lotion may be canceled by written request of the parent at any time.

Storing of clean diapers shall be handled in accordance with the following methods:

A. A clean supply of diapers stored in a specifically designated area shall be available at all times.

B. Diapers or clothing used during diaper changing and brought from the child's home shall be stored in space assigned exclusively for each child's belongings. Soiled clothing and/or diapers shall be sent home daily.

Storage and laundering of soiled diapers shall be handled in accordance with the following methods:

A. Diapers or clothing soiled with fecal matter and sent home with a child need not be rinsed at the program facility, but may be placed directly into a plastic container or bag, sealed tightly, stored away from the rest of the child's belongings, and out of the reach of children.

B. Soiled diapers to be disposed of or cleaned by the program shall be placed in a common plastic-lined covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the program facility should be stored in an appropriate germicidal solution until laundered.

C. Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven (7) days.

D. Diapers to be laundered at home or by the program shall be held for laundering for no longer than one (1) day.

E. Soiled disposable diapers shall be discarded daily.

Immunization

In order to safeguard the program community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires all students to be immunized (or in the process of being immunized) against Chicken Pox, Diphtheria, Haemophilus influenza type b, Hepatitis A, Hepatitis B, Influenza, Measles (aka rubeola), Mumps, Pertussis, Pneumococcal disease, Poliomyelitis, Rotavirus, Rubella (German measles), and Tetanus, and other diseases legally designated in accordance with State statutes unless specifically exempt for medical or other reasons (see below). This policy pertains to children who currently attend the program and those seeking to attend. “In the process of being immunized” means the child has received at least the first dose of the immunization sequence and is complying with the immunization intervals or catch-up schedule prescribed by the Director of Health. No later than thirty (30) days after enrollment in the program, and every thirteen (13) months thereafter while continuing to participate in the program, each child’s caretaker parent shall provide the program a medical statement indicating that the child has been immunized against or is in the process of being immunized against the above-listed diseases. Any child previously admitted under the "in process of being immunized" provision who has not complied with the immunization intervals prescribed by the Director of Health shall be excluded from the program if the child fails to submit the required follow-up medical statement(s) in a timely manner. Any student so excluded may be readmitted upon furnishing a new medical statement indicating the child is again making progress on the Director of Health's interval schedule.

A child does not have to be immunized against a disease listed in the preceding paragraph if any of the following apply:

A. A health care practitioner certifies in writing that immunization against the disease is medically contraindicated or not medically appropriate for the child’s age.

B. The child presents a written statement signed by a parent or guardian in which the parent or guardian declines to have the student immunized against the disease for reasons of conscience, including religious convictions.

A “health care practitioner” means a physician, physician’s assistant, advanced practice registered nurse, or certified nurse practitioner.

The above-referenced medical statement shall include all the following information: (1) the dates that the child received immunizations against each of the diseases specified above; and (2) whether a child is subject to any of the above-listed exceptions. The medical statement shall also include a component where a parent or guardian may indicate that the parent or guardian has declined to have the child immunized.

In the case of influenza, a child is not required to be immunized against the disease if the seasonal vaccine is not available.

A child who has not completed immunization may not be admitted to the program, except as is consistent with the law.

The Board shall keep an immunization record for each child, available in writing to the student's parent or guardian upon request.

© Neola 2023

ag2280.09

PRESCHOOL IMMUNIZATION

2280.09 - **PRESCHOOL IMMUNIZATION**

Immunizations Which Are Medically Contraindicated

A written statement from a health care practitioner (i.e., a physician, physician's assistant, advanced practice registered nurse, or a certified nurse practitioner) that a particular immunization is medically contraindicated or not medically appropriate for the child's age.

The physician's statement shall be maintained by the program as part of the immunization record of the student.

Immunization Requirements

Chicken Pox (Varicella)	Varicella vaccine (varivax) in accordance with the Department of Health and Human Services' immunization schedule or as prescribed by a physician.
	One (1) or two (2) doses – depending on the child's age – of varicella vaccine must be administered prior to entry. The first (1st) dose must be administered on or after the first (1st) birthday. The second (2nd) dose should be administered at least three (3) months after the first (1st) dose; if the second dose is administered at least twenty-eight (28) days after first (1st) dose, it is considered valid.
	Similar to other immunizations, the Ohio Department of Health has determined that the requirements for immunization against chicken pox will be progressive.
Diphtheria, Tetanus, Pertussis	Four (4) or more doses of DTaP, DTP or DT (pediatric) vaccine, or any combination. If all four (4) doses were administered prior to the fourth (4th) birthday, a fifth (5th) dose of DTaP or DT is required. If the fourth (4th) dose was administered at least six (6) months after the third (3rd) dose, and on or after the fourth (4th) birthday, a fifth (5th) dose is not required.
Measles, Mumps, Rubella	One (1) or two (2) doses – depending on the child's age – of MMR. Dose one (1) administered on or after the first (1st) birthday. The second dose must be administered at least twenty-eight (28) days after dose one (1).
Hepatitis B	Three (3) doses. The second dose must be at least twenty-eight (28) days after the first. The third dose must be given at least sixteen (16) weeks after the first dose and at least eight (8)

	weeks after the second dose. The last dose in the series (third or fourth dose) must not be administered before age twenty-four (24) weeks.
	Similar to other immunizations, the Ohio Department of Health has determined that the requirements for immunization against Hepatitis B will be progressive.
Polio	Three (3) or more doses of IPV. The final dose must have been administered on or after the 4th birthday regardless of the number of previous doses. If a combination of OPV and IPV was received, four (4) doses of either vaccine are required. Only trivalent OPV (tOPV) counts.
Rotavirus	Two (2) or three (3) doses – administering a third dose at age six (6) months depends on the brand of rotavirus vaccine used for previous dose.
Haemophilus influenzae type b	Three (3) or four (4) doses – administering a third dose at age six (6) months depends on the brand of Hib vaccine used for previous dose.
Pneumococcal disease	Four (4) doses.
Influenza	One (1) or two (2) doses annually – two (2) doses given at least four (4) weeks apart are recommended for children aged six (6) months through eight (8) years of age who are getting an influenza (flu) vaccine for the first time and for some other children in this age group.
Hepatitis A	Two (2) doses – two (2) doses of Hep A vaccine are needed for lasting protection. The two (2) doses should be given between ages twelve (12) and twenty-three (23) months. Both doses should be separated by at least six (6) months. Children two (2) years and older who have not received two (2) doses should complete the series.

Vaccine doses are only considered valid if administered according to the most recent version of the Recommended Immunization Schedules for Persons Aged 0 Through 18 Years or the Catch-up Immunization Schedule for Persons Aged 4 Months Through 18 Years Who Start Late or Who Are More Than 1 Month Behind, as published by the Advisory Committee on Immunization Practices. Vaccine doses administered four (4) or fewer days before the minimum interval or age are valid (grace period). Doses administered more than five (5) days earlier than the minimum interval or age are not valid doses and should be repeated as age appropriate. If MMR and Varicella are not given on the same day, the doses must be separated by at least twenty-eight (28) days with no grace period.

No child shall be permitted to remain in the program unless not later than thirty (30) days after enrollment in the program, and every thirteen (13) months thereafter, the child's caretaker parent provides the program with a medical statement indicating that the child has been immunized against or is in the process of being immunized against all the above-listed diseases. "In the process of being immunized" means the child has received at least the first dose of the immunization sequence and is complying with the immunization intervals or catch-up schedule prescribed by the Director of Health.

Any child previously admitted under the "in process of being immunized" provision who has not complied with the immunization intervals prescribed by the Director of Health shall be excluded from the program if the child fails to submit the required follow-up medical statement(s) in a timely manner. Any student so excluded may be readmitted upon furnishing a new medical statement indicating the child is again making progress on the Director of Health's interval schedule.

A child does not have to be immunized against a disease listed in the preceding paragraph if any of the following apply:

A. A healthcare practitioner certifies in writing that immunization against the disease is medically contraindicated or not medically appropriate for the child's age.

B. The child presents a written statement signed by a parent or guardian in which the parent or guardian declines to have the student immunized against the disease for reasons of conscience, including religious convictions.

A "health care practitioner" means a physician, physician's assistant, advanced practice registered nurse, or certified nurse practitioner.

In the case of influenza, a child is not required to be immunized against the disease if the seasonal vaccine is not available.

A child who has not completed immunization may not be admitted to the program, except as is consistent with the law.

The Board will consult with the Ohio Department of Health and/or refer to its website (www.odh.gov) regarding the progressive nature of the above immunization requirements on a yearly basis.

Exemptions: Parent Objections

A student shall be exempted from mandatory immunization if the parent objects in a written signed statement upon the grounds that the parent declines to have the student immunized for reasons of conscience, including religious convictions.

This statement will be kept by the school as part of the student's immunization record.

Requisite Medical Statement

The above-referenced medical statement shall include all the following information: (1) the dates that the child received immunizations against each of the diseases specified above; and (2) whether a child is subject to any of the above-listed exceptions. The medical statement shall also include a component where a parent or guardian may indicate that the parent or guardian has declined to have the child immunized.

Required Records

The program shall keep an immunization record for each child, available in writing to the child's parent or guardian upon request. Each child's record of immunization will include the date of each individual immunization or the reason why the child did not receive that vaccine (e.g., a health care practitioner determined the immunization against the disease was medically contraindicated for the child or was not medically appropriated for the child's age, or the parent declined to have the child immunized against the disease for reasons of conscience, including religious convictions).

Records Available for Inspection

The Program Director shall make immunization records available for inspection by authorized representatives of the State Department of Health or the Trumbull County Health Department.

© Neola 2023

ag2330

HOMEWORK

2330 - **HOMEWORK**

The following guidelines have been developed to assist principals in working with staff to establish appropriate homework assignments:

A. All homework assignments should have a specific purpose related to the learning objectives of a program or course.

B. Homework assignments should be appropriate to the grade level and the abilities of the students involved.

C. Assignments should involve application of knowledge, reinforcement of communication, research and other skills, and should provide experiences which strengthen attitudes and allow for creativity.

D. Punishment assignments should never be given.

E. The purpose of homework, in terms of the goals of a program, should be clear to the student when assigned, the work corrected when returned, and both the strengths and weaknesses of his/her work communicated in ways which provide for improved performance.

F. As part of the process of using homework as a learning tool, students should be involved in learning how to critique their own and each others' work based on clearly-defined criteria related to the particular program or course of study.

G. The time limits for the completion of homework should:

1. be reasonable and consistent with the nature of the assignments given;

2. provide for interim appraisal of progress where assignments involve blocks of time;

3. include a reasonable time for make-up of missed homework assignments and/or improvements based on teacher comments.

H. Parents should be made aware of the District's homework guidelines as well as the way each of their child's teachers will be using homework as a learning activity.

ag2340A

FIELD TRIP GUIDELINES

2340A - **FIELD TRIP GUIDELINES**

Field trips as defined in Board of Education policy must be related to a course of study and therefore are a required part of instruction. If the trip cannot be directly related to a course of study, it should be considered a co-curricular or extra-curricular activity. The following guidelines are aimed at facilitating the effectiveness of all field trips.

General Procedures

A. All requests shall be submitted to the Principal on the Field Trip Request in advance of the scheduled trip with the names of all staff members and chaperones who will accompany the students.

B. Upon approval of a trip, the principal shall forward a copy of the pretrip proposal to the Transportation Supervisor.

C. Parental Consent must be returned to the administration before the trip. A blanket authorization may be obtained for trips that will consist of a series of trips during the school year. If the student will be unsupervised during certain portions of the trip, Form 2340 F2a must be signed and returned prior to the trip. No student will be allowed to participate if the parental consent form is not received prior to the trip.

D. A copy of AG 5771, Search and Seizure, is to be provided to the person in charge of the trip for his/her use if a search of a student's possession becomes necessary.

E. A copy of each student's Emergency Medical Authorization Form is to be in the possession of the staff member in charge for all trips.

F. A list of any students to whom medication will need to be administered while on the field trip is to be secured by the teacher in charge from the school nurse.

G. Field trips may be denied for any one of the following reasons:

1. failure to comply satisfactorily with pretrip requirements

2. excessive cost or limited financial resources

3. the students involved have generally been involved in other field trips or school activities that have kept them out of class in the weeks preceding or following the scheduled trip

4. excessive number of students taking trips on that particular day

5. lack of availability of transportation

6. inadequate arrangements for student safety and welfare

H. Problems with the field trip should be brought to the attention of the principal immediately upon return. The principal shall inform the Superintendent of any major problems.

I. For every field trip there must be a ratio of teachers and chaperones to students as determined by the principal.

J. Prior to arrival at the destination, students are to be made aware of:

1. how they are to conduct themselves;

2. what time the bus will leave for the return trip;

3. where the bus will be located for the departure;

4. any specific information that the students should know with reference to the area being visited.

K. At no time are students to be left **ON THEIR OWN** during the course of the field trip, unless approved by the parents.

L. At least one (1) staff member is to remain at the school after the return trip until all students have been picked up.

M. Any disciplinary problems are to be reported to the Principal immediately upon returning to the school for appropriate action.

In the event of any emergency during a field trip, the bus driver should contact appropriate persons from his/her emergency list and the teacher in charge should contact the principal.

Because field trips are considered an integral part of a course of study and represent a significant cost to the District, it is essential that each trip be carefully planned, conducted according to the plan, and then evaluated in terms of how well the learning purpose was accomplished.

Planning for Field Trips

A. Will this proposed trip provide a valid learning experience and contribute directly to accomplishing an important learning objective **within the course of study?**

B. What environmental conditions at the site might make it difficult to gather important information?

C. What facilities or resources will be available for guiding the data gathering and answering questions?

D. What health and safety risks are involved?

E. Are there students to whom medication will need to be administered while on this trip?

F. Will it be worth the time and expense? i.e.

G. Would another activity be just as effective?

H. Can the trip be made within the time available?

I. Will the experience provide a significantly new learning experience for a majority of the class?

J. Can the purpose be realized without undue inconvenience to students, parents, teachers, and places visited?

K. Will the selection of places to visit produce ill feeling in the community? (e.g., visit to chain store as against visit to corner store)

L. Will the trip have parental and community support?

Preparation for Field Trips (see Form 2340 F3)

A. **Teacher Preparation**

1. Arrange through administration for consent to make trip prior to parental consent.

2. Make arrangements with authorities at the place of destination.

3. Plan transportation route, in detail, and arrange financing with Principal, if necessary.

B. **Student Preparation**

1. Make clear to students the learning purposes of the trip and how it will contribute to their accomplishing particular learning objectives.

2. Provide a transition from what they have been learning to what they will be learning through the trip.

3. Work out with students the focus of their observations and questions for each category of information they are to gather on the trip.

4. Help students organize any materials or references they may be using during the trip.

5. Set up with students the standards of behavior and safety and emphasize that the Code of Conduct applies to the trip.

Conduct of Field Trips

A. **Gathering and Recording the Information**

1. Provide the guide with a clear idea of the purpose of the trip (set of questions prepared by teacher and students).

2. Make sure all students are in a position to observe and to hear the guide's explanations.

3. Arrange for questions to be asked periodically and be sure all students hear the responses to the questions.

4. Provide opportunities for all or selected students to properly record the observations and information for later use in the classroom.

B. **Classroom Follow Through**

1. Guide students in the preparation of what they remember and what they recorded and then organize the information into useful categories.

2. Have the students examine their data to correct any misinformation and to locate any gaps in the information that they will have to deal with through further research and data gathering.

3. Ask students to analyze the data and form relevant conclusions based on their analysis.

4. Provide a transition from these new learnings to what they will be learning next.

5. Make sure students send appropriate thank you letters to the people in charge of the site they visited and to the bus drivers and other adults who helped make the trip possible.

© Neola 2012

ag2340B

DISTRICT-SPONSORED TRIPS (CO-CURRICULAR AND EXTRA-CURRICULAR)

2340B - **DISTRICT-SPONSORED TRIPS (CO-CURRICULAR AND EXTRA-CURRICULAR)**

These trips include athletic trips and are considered part of the total educational program of the District but not part of a course of study. The following general procedures are to be followed for all such trips.

A. All requests shall be submitted to the Principal in advance of the scheduled trip with the names of all staff members and/or chaperones who will accompany the students.

B. The description of how any finances connected with the trip will be handled must be attached to the trip request form.

C. Upon approval of a trip, the principal shall forward a copy of the pretrip proposal to the Transportation Supervisor/Superintendent.

D. For every trip there must be a ratio of teachers and chaperones to students as determined by the principal.

E. The list of participating students should be provided to the principal's office prior to the trip.

F. A copy of each student's Emergency Medical Authorization Form is to be in the possession of the staff member in charge for all trips

G. A copy of AG 5771, Search and Seizure, is to be provided to the person in charge of the trip for his/her use if a search of a student's possession becomes necessary.

H. Problems with a trip should be brought to the attention of the principal immediately upon return. The principal shall inform the Superintendent of any major problems.

I. At least one (1) staff member is to remain at the school after the return trip until all students have been picked up.

J. In the event of any emergency during a trip, the bus driver should contact appropriate persons from his/her emergency list and the teacher in charge should contact the principal.

© Neola 2008

ag2340C

OVERNIGHT TRIPS

2340C - **OVERNIGHT TRIPS**

In compliance with Board of Education Policy 2340, Field and Other District-Sponsored Trips, the following guidelines are to be followed whenever a staff member seeks Board approval for a trip on which the students will be away from home for one (1) or more nights.

The Superintendent will not recommend approval by the Board unless a plan based on answers to the questions on the Proposal Form for Overnight/Extended Student Trip Form 2340 F5 has been prepared and approved by the principal(s) of the school(s) which the students attend. In addition, if the trip involves the use of a travel agent or tour provider to arrange for transportation, rooms, or any other aspect of the trip, the staff member submitting the proposal must confirm that the company is:

A. licensed to operate in this State;

B. bonded (i.e., the company maintains a bond in the name of the Board in the amount of any funds paid by the Board to the company, which could be utilized to reimburse the Board if the company fails to fulfill the terms of its contract with the Board);

C. properly insured for the proposed trip including a summary of the nature and extent of the coverage;

D. in compliance with Federal laws regarding accessibility for and rights of those with disabilities.

This information must be confirmed, in writing, and attached to the trip proposal. No trip involving a travel agent or tour promoter will be approved without this confirmation and, therefore, will be considered a nonsponsored trip subject to AG 2340D.

It is essential that no discussion of a trip with students is to occur until the trip proposal has been submitted and a determination made as to whether it will be sponsored by the Board.

All such requests are to be submitted to the Superintendent prior to the Board meeting at which approval will be sought. The professional staff member who will be in charge of the trip is responsible for preparing the proposal, reviewing it with the relevant principals, and obtaining written approval from each.

The proposal will be reviewed by the Superintendent and submitted to the Board with his/her recommendation for or against approval. Pursuant to Policy 2340, prior Board approval is not required for overnight trips related to athletic contests and other extracurricular competitions that arise at a time when no Board meetings are scheduled prior to the date of the trip.

Once approved, the professional staff member in charge will be responsible for conducting the trip as planned (See AG 2340F - Chaperones). If changes in the plan are necessary, such changes are to be submitted to the principal(s) for approval and/or for subsequent approval by the Superintendent or Board.

Prior to the start of an approved overnight trip, the staff member in charge must comply with the procedures for any District-sponsored trip (AG 2340B). In addition, each participating student and his/her parent is to sign the Responsibility Contract Form 2340 F6 and submit it to the trip leader(s) prior to the trip.

© Neola 2012

ag2340D

NONDISTRICT-SPONSORED TRIPS

2340D - **NONDISTRICT-SPONSORED TRIPS**

Any staff member who wishes to take one or more students of the District on any type of trip which would not normally be considered a field trip or school-related trip as defined in Policy 2340, must obtain permission from the Superintendent prior to initiating any discussion of the trip with the student or his/her parents.

Permission to solicit may or may not be granted, depending upon the purpose and nature of the trip and the willingness of the staff member to comply with the conditions set forth for such solicitation. As indicated in Policy 2340, permission to solicit does not imply sponsorship by the District. Such sponsorship shall be granted in accordance with AG 2340C.

Should a staff member take any student of the District on a trip that is not sponsored by the Board, s/he assumes all liability for the welfare of the student. (see Form 2340D F1) Under no circumstances may the staff member use the name or good offices of the District in any manner which would associate it with the trip or any person or group involved in the trip. If a staff member does not wish to comply with the guidelines for District sponsorship of a trip or the District does not wish to sponsor the trip, the following conditions will apply:

A. In order to discuss on District premises any aspects of a nondistrict-sponsored trip, it is necessary for the staff member or any other person involved to follow the District's procedures for Use of Facilities (see AG 7510A) which require that an application be submitted for use of a facility during nonschool hours.

B. The District will not allow use of:

1. any staff member's time while on duty;

2. any District facilities except in accordance with AG 7510A;

3. any names which would associate the trip with the District or any of its school programs.

ag2340E

TRIP LEADER RESPONSIBILITIES

2340E - **TRIP LEADER RESPONSIBILITIES**

Each chaperone of a field or other District-sponsored trip is to be provided with a copy of the following guidelines for fulfilling his/her responsibility.

A. Students are to be made aware that the regular bus rules will apply for the trip. Since some of the students may not be regular bus riders, the rules should be reviewed with the group prior to departure.

B. The bus driver, trip leader or designated staff member is responsible for student behavior while on the bus.

C. The driver is responsible for the bus and has ultimate authority over routes and operations. If s/he deems that conditions constitute a safety hazard, the driver has the authority not to proceed.

D. If any discipline problems develop while on the trip, the problems are to be reported to the appropriate principal as soon as feasible.

E. The trip leader should report to the Transportation Supervisor any cases of poor judgement or improper behavior on the part of the driver.

F. The trip leader should:

1. review with the bus driver the destination and route;

   If there is any question about the route, it should be resolved prior to departure so there is no confusion in communication during the trip. The driver has the final decision on the route.

2. make sure the emergency medical forms are on the bus in the possession of a designated person;

3. introduce chaperones to the driver prior to the trip and review the District's policies and guidelines on discipline (including corporal punishment) prior to the trip;

4. assist the driver in enforcing the rules of the bus and the rules and directions for the trip;

5. when necessary or requested by the driver, place himself/herself and any chaperones strategically throughout the bus;

6. conduct a head-count each time there is an unloading and reloading of passengers to ensure no one is left behind;

7. when the bus returns to the District, make sure all students have proper rides home and have left the District before considering the trip to be completed.

© Neola 2012

ag2340F

CHAPERONES FOR TRIPS

2340F - **CHAPERONES FOR TRIPS**

All chaperones must be at least twenty-one (21) years of age and be affiliated with the District as a

A. parent,

B. school volunteer,

C. part-time or full-time employee,

D. Board member.

The list of chaperones must be submitted with the trip request. Any additions or replacements must be submitted to the Principal for approval prior to the trip.

The trip leader is to provide each chaperone, prior to the trip, a copy of Form 2340 F8 describing the applicable policies and procedures with which the chaperone will comply. Each chaperone must sign the Volunteer Release Form 3120.09 F1 or Form 4120.09 F1 prior to the trip in which s/he agrees to abide by all applicable District policies and administrative guidelines (see Form 2340 F8). The form should be submitted to the Principal's office.

Chaperones are not to invoke any kind of discipline on a student except in cases of imminent threat to that student's or other people's safety or well-being. A chaperone is to report any student behavior problems or inappropriate conduct of a chaperone or staff member to the trip leader(s) as soon as possible.

Each chaperone, as well as the trip leader(s), is required to model the behaviors expected of students throughout the times on the trip when s/he is associated with the students. Further, when a chaperone is on free time away from the students, his/her behavior should continue to comport with the same expectations applicable to when the chaperone is associated with the students, including the prohibition against consuming any alcohol and/or tobacco products.

The trip leader(s) is responsible for the conduct of the chaperones during the trip and should be knowledgeable of their whereabouts at all times and how they can be contacted in case of an emergency. The trip leader(s) has/have the authority to require a chaperone to leave the trip if his/her conduct violates the expectations described above.

ag2370A

INDEPENDENT STUDY

2370A - **INDEPENDENT STUDY**

Independent study is available to staff to better meet the needs of students. Its purposes are:

A. to broaden curriculum content when the regular school program limits student growth and learning;

B. to provide students with an opportunity to make decisions (to select from a series of options) about their activities in school;

C. to place students in a more active role in the learning process;

D. to provide learning experiences tailored to individual interests, talents, and needs.

Level I - The selection and the study is largely **teacher directed**. Frequent review and discussion with the teacher is required. Subject matter is closely related to class instruction.

Level II - The selection and the study is more student directed. The students must confer with the teacher once each week.

Level III - The student is responsible for selecting the areas and directing his/her own learning. S/He reports to his/her teacher by appointment. Projects may range far afield from regular course content.

Projects may be interdisciplinary in nature. Opportunities to work or study in other areas (laboratories, shops, etc.) or off campus may be arranged through the Principal.

A student (group of students) who desires to participate should meet the following criteria:

A. expressed interest in undertaking the work

B. ability to identify goals or purposes

C. ability to manage time and resources

D. achievement in current course work

Students who fail to maintain self-discipline and accomplishment both in course work and the option program will be phased out.

A completed option program project may take many forms, such as a term paper, an essay, a script, a film, a T.V. tape, an oral tape recording, etc. The final report should include:

A. a log showing how time was utilized;

B. a bibliography of materials used - print and nonprint;

C. an evaluation of the project.

The contract-application for the selected option will be filed with the student or teacher.

When a student has initiated and successfully completed the program, it is to be noted in the student's permanent record and transcript.

A completed copy of the project together with the application-contract will be kept on file in the Guidance Office.

Role of Teacher

As in all learning, the role of the teacher in any educational option program is crucial. Specifically the teacher must:

A. provide instruction in the skills necessary such as note taking, bibliography construction, listening, library usage, etc.;

B. assist students in defining the purpose and intended outcomes of their projects and in selecting methods which best ensure the purposes and outcomes are achieved;

C. meet with students involved on a regular basis to counsel, review progress, and to provide critique. Such critique should specify:

1. what is being accomplished as intended;

2. what isn't, and why;

3. how the student should function differently in order to accomplish desired results.

Before being authorized to manage an option program, teachers must demonstrate working knowledge of the current literature concerning that type of activity.

Independent study is to be evaluated on the basis of how well the goals of the program are being accomplished and how well each student is achieving the expected results of his/her individual project. Assessment shall provide evidence of:

A. increased application of knowledge;

B. acquisition and application of needed skills and techniques;

C. formation of attitudes needed for such learning.

Teacher-student conferences throughout an option project can serve an evaluative function. Each should be recorded indicating dates, time, and results. A final conference involving the student, teacher, and guidance is necessary for all level three projects.

ag2370

EDUCATIONAL OPTIONS

2370 - **EDUCATIONAL OPTIONS**

The Principal shall develop a list of Educational Options, including the District's Credit Flexibility Plan included in the course selection guide.

Any student who would like to earn credit from one of the approved options shall complete the *Educational Option Application* (Form 2370 F1) and submit it to the Principal for an educational option to be pursued an educational option to be pursued

The application shall describe the option to be pursued, list the requirements for successful completion, identify the individual who will be evaluating the student's completed work, and specify the deadline by which the work must be submitted. The Principal shall approve or disapprove an application to earn credit from an approved educational option.

Upon successful completion of the educational option, the Principal/Guidance Counselor shall record the credit earned on the student's transcript.

ag2370.01

BLENDED LEARNING

2370.01 - **BLENDED LEARNING**

The following guidelines are established in accordance with Board of Education policy and the rules of the Ohio Department of Education for students engaged in blended learning, which is defined as 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 noncomputer-based learning opportunities.

A. Personalization of student-centered learning models to meet the needs of each student shall be developed and implemented as follows:

   Students will follow the Niles City School District curriculum based on the Ohio Learning Standards.

B. The quality of online curriculum delivered to students shall be evaluated using the following criteria and methods:

   Students will follow the learning expectations of the course. Students will be assessed on the regular school assessment or course assessment scheduled.

C. Students shall be permitted to advance through each level of the curriculum based on demonstrated competency/mastery of the material. Assessment of each participating student's progress through the curriculum shall be completed by the teacher of record, department chairperson, and/or content facilitator, in accordance with the course assessment schedule.

D. The Superintendent shall assign a sufficient number of teachers to ensure that each student has an appropriate level of interaction to meet the student's personal learning goals. The number of teachers assigned will be based on the number of students enrolled in the blended learning program. Each participating student shall be assigned to at least one (1) teacher of record.

E. Each participating student will have access to the digital learning tools necessary to access online or digital content. Such tools will be assigned to students and documented/inventoried by the Technology Department.

F. 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 filtering device/filtering software shall be provided and maintained in accordance with the following:

   The Child Internet Protection Act requirements and Board Policy 7540.03. Each student will be provided with a District-owned technology device and school email.

G. The school shall provide a filtering device or software at no cost to any student who uses a device obtained from a source other than the school.

H. The school will provide that teachers, administrators, and support staff have appropriate training in the pedagogy of the effective delivery of online or digital instruction. Such training will include using technology tools and District digital resources and shall be provided periodically.

I. The school shall ensure that students have access to the internet and to devices students may use to participate in online learning.

J. Each school shall monitor and assess student achievement and progress, as well as track attendance and participation, and provide additional services if necessary to improve student achievement.

K. Each school and/or instructional staff shall periodically communicate with parents or guardians regarding student progress.

© Neola 2022

ag2412

HOMEBOUND INSTRUCTION

2412 - **HOMEBOUND INSTRUCTION**

Planning and Implementing Homebound Instruction for Non-Disabled Students

A. Whenever a principal is notified that a student will be absent from school for health reasons, s/he should contact the student's teacher(s) and counselor(s) so that plans for individual instruction can be developed. (see Form 2412 F1)

B. The Guidance Counselor/Teacher will collect the plans from the student's teacher(s) and secure the textbooks and any supplies necessary for the plans to be implemented. S/He will forward the plans, textbooks, and supplies to the instructor who will provide the home tutoring. S/He will also serve as a liaison between the instructor and the student's regular classroom teacher(s). As such, s/he will also coordinate with student's teacher(s) and parent(s) the successful return of the student to the school setting.

C. The student will receive instruction only on days that school is in session. S/He will receive a minimum of five (5) hours of instruction per week.

D. The instructor assigned to provide the home tutoring shall forward grades to the principal of the school the student attends by the end of each marking period.

Planning and Implementing Homebound Instruction for Students with Disabilities

A. Whenever a principal is notified that an identified student with disabilities will be absent from school for health reasons, s/he should contact the Building Intervention Team to arrange for that student's IEP Team to be convened and the IEP revised accordingly.

B. The Guidance Counselor will secure the textbooks and any supplies necessary for the IEP to be implemented. S/He will forward the IEP, textbooks, and supplies to the instructor who will provide the home tutoring. S/He will also serve as a liaison between the instructor and the student's classroom teacher(s). As such, s/he will also coordinate with student's teacher(s) and parent(s) the successful return of the student to the school setting.

C. The student will receive instruction only on days that school is in session. The number of hours of instruction that the student will receive per week will be in accordance with the revised IEP.

D. The instructor assigned to provide the home tutoring shall forward grades to the principal of the school the student attends by the end of the marking period.

Assignment and Compensation of Instructors for Home Tutoring

A. Licensed personnel providing homebound instruction shall be paid as approved by the Board.

B. All assignments to provide homebound instruction are made through the Building Principal.

C. Accurate time sheets must be kept of all cases. The time sheet is to be signed by the parent and attached to the completed voucher.

D. Time sheets and vouchers are to be submitted by

1. the end of the pay period.

2. Treasurer's Office.

ag2416

PROCEDURES FOR INSPECTION OF MATERIALS USED IN CONJUNCTION WITH ANY SURVEY, ANALYSIS, OR EVALUATION

2416 - **PROCEDURES FOR INSPECTION OF MATERIALS USED IN CONJUNCTION WITH ANY SURVEY, ANALYSIS, OR EVALUATION**

The following procedures should be used when a parent makes a request to inspect materials used in conjunction with any survey, analysis, or evaluation that the District proposes to administer to his/her child.

Form 2416 F2 should be completed and submitted to Principal. Upon receipt of Form 2416 F2, the Principal will contact the person making the request to schedule an appointment for the parent to come to the District to review and inspect the material that will be used in conjunction with this survey, analysis, or evaluation. If, upon inspection and review, at his/her discretion, the parent can refuse to have his/her child participate in the survey, analysis, or evaluation.

Furthermore, if, upon inspection and review, a parent would like to file a complaint about the materials used in conjunction with any such survey, analysis, or evaluation, the person shall follow the complaint procedures outlined in Policy 9130 and AG 9130A.

ag2430A

STUDENT PARTICIPATION IN SUMMER CAMPS/PROGRAMS

2430A - **STUDENT PARTICIPATION IN SUMMER CAMPS/PROGRAMS**

If a summer camp/program is related to a curricular or extra-curricular offering of the District, all relevant policies and guidelines of the District will be applicable, including but not limited to the following:

Policy 3121 - Criminal History Record Check

All people who may have care, control, or custody of the students have been cleared through the State police.

Policy 3213 - Student Supervision and Welfare

Proper supervision of students at all times in accordance with this policy should be an essential aspect of each staff member's responsibilities.

AG 2340B or AG 2340C - District-Sponsored Trips and Overnight Trips

If participating students will be involved in day trips or overnight trips while attending the summer camp or program, the conditions established in these guidelines should be adhered to, especially written parental consent.

Policy 5330/AG 5330 or AG 5330A - Use of Medications/Emergency Medication

In those circumstances where a student must take prescribed medication or be administered emergency medication while attending a summer camp or program, the procedures established in the policy and guidelines should be observed. Also, the appropriate authorization forms must be completed.

Policy 5340/AG 5340A/AG 5340B or Policy 5341 - Accidents, Illnesses and Health Emergencies

The summer camp or program should verify that it has certain procedures in place for student accidents, illnesses, and health emergencies which provide for prompt attention to the student and have been communicated to all staff and participants. Also, in the event emergency medical treatment is required, staff will adhere to the instructions set forth in the student's Emergency Medical Authorization Form.

Policy 5516 - Student Hazing

All staff should be alerted to possible situations, circumstances, and events which might include hazing. To that end, the summer camp or program should verify that this policy is communicated to all staff and participants and that all hazing incidents are immediately reported to the Superintendent.

Policy 5517/AG 5517 - Student Harassment

The summer camp or program should verify that it has the harassment-protection procedures in place and they have been communicated to all staff and participants.

Policy 5517.01/ AG 5517.01 - Aggressive Behavior

Aggressive behavior toward a student (i.e., physical, verbal or psychological abuse), whether by other students, staff, or third parties is strictly prohibited. The policy and guidelines for reporting, investigation, and resolving complaints of aggressive behavior should be adhered to and communicated to all staff and participants in the summer camp or program.

Policy 5530/AG 5530 - Drug Prevention

There should be a strict policy communicated to students prohibiting possession, use, and distribution of any controlled substance or drug paraphernalia.

Policy 7540.03/AG 7540.03 - Student Network and Internet Acceptable Use and Safety

In those circumstances where students are permitted to access the District's computer network and the Internet during a summer camp or program, the procedures set forth in the guidelines should strictly be adhered to, including written parental consent. Also, students must sign the Student Network and Internet Acceptable Use and Safety Agreement.

NONDISTRICT-RELATED CAMPS/PROGRAMS

If a summer camp/program is not District-related, the following guidelines will apply.

Permission

Any staff member who manages or is a participant in the camp/program must confer with the Principal prior to talking with any student on District property about participation in the activity. The conditions described in AG 2340D- Nondistrict-Sponsored Trips will apply.

Under no circumstances is a student to be told that his/her chances to participate in a District program will be influenced by if or how well s/he participates in the summer camp/program.

Disclaimer of Responsibility

Prior to allowing a staff member to talk with District students about participation, the District will require that the student's parents receive a copy of Form 2430A F1 - Disclaimer of Responsibility.

© Neola 2008

ag2430

DISTRICT-SPONSORED CLUBS AND ACTIVITIES

2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

Since the policy of the Board of Education is to maintain a co-curricular activities program sufficiently varied to meet the wide range of vocational, recreational, social, and cultural needs and interests of the students, all students should be urged to join at least one (1) club or activity.

A. **Existing Clubs or Activities**

At the start of the school year, all students should be provided with information on existing clubs, and all co-curricular and extra-curricular activities and encouraged to participate.

B. **New Activities**

All new activities shall be approved in the following manner:

1. Requests for new activities should be submitted to the Principal and contain the following:

    a. purpose and rationale

    b. intended outcomes for students

    c. participation

    d. plan of operation

    e. costs

    f. persons in charge

2. The Superintendent will review each request and either reject or submit each for Board approval.

3. Upon approval, an activity will be listed as a part of the co-curricular or extra-curricular program, and its fiscal account established by the Treasurer.

C. **Fiscal Compliance**

Both co-curricular and extra-curricular activities need to comply with financial and bookkeeping controls

established by the Treasurer.

Each activity advisor is to provide the Principal with a periodic update on the fiscal status of the activity.

D. **Operating Guidelines**

The Principal shall prepare and publish operating procedures for all co-curricular/extra-curricular activities which ensure that:

1. students participate in ways that do not interfere with their academic programs;

2. the safety and welfare of the students is adequately safeguarded;

3. all activities have proper faculty planning, direction, and supervision;

4. faculty members work cooperatively so that some activities do not interfere with the operations of others;

5. faculty members and students are encouraged to attend activities involving student performances; (see Form2430 F2)

6. each activity is assessed continuously relative to its stated purpose and goals;

7. building facilities and equipment are being used safely and as intended, and being maintained in proper condition;

8. students educated at home or enrolled in a nonpublic school who are permitted to participate in a District extra-curricular activity fulfill the same academic, nonacademic, and financial requirements as any other participant, and are not charged any fees in excess of those fees charged to other students who participate in the same extra-curricular activity - See Policy 9270.

Eligibility Requirements

All students who participate in interscholastic athletics shall meet the eligibility requirements described in the Athletic Handbook.

Eligibility requirements for participation in other activities shall be specified in the student handbooks.

No student who has been absent for a school day may participate in an extra-curricular activity scheduled for the afternoon or evening of that school day without the approval of the Principal.

No student may practice or compete in intramural or 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.)

Schedule Conflicts

Many students have multiple talents and interests they wish to develop or pursue through participation in District-sponsored activities and groups. Since the District's policy is to encourage such participation, the following guidelines have been established for dealing with potential schedule conflicts a student could experience when participating in more than one (1) activity.

A. At the beginning of each semester or season, each staff member in charge of a credit course, co-curricular, or extra-curricular activity is to prepare a schedule for any practices, performances, or other after-school obligations involved in participation.

B. This information is to be sent to the school office and the guidance department when completed.

C. By the first day of an activity, students are to be made aware of the schedule of any practices and performances as well as other obligations. Each staff-member-in-charge is to determine which, if any, students will have conflicts with other activities in which they wish to participate.

D. If such conflicts exist, the staff-members-in-charge of the activities in conflict are to meet for the purpose of resolving the conflict. The emphasis should be on modifying the requirements so the student can participate in both activities.

E. If it is not possible to resolve the conflict without seriously undermining the integrity of the activity program, the following procedure is to be followed:

1. If one of the activities provides the student with credit and the other one doesn't, the student and his/her parents are to be made aware of the possible consequences of not enrolling in each activity and of not meeting the obligations for participation.

2. If both activities are credit activities, the student is to be advised to contact the Principal his/her counselor to work out a solution that does not penalize the student.

3. If one of the activities is an after-school, off-shoot of a credit activity but is not, itself, a credit activity, e.g., jazz band from concert band, the requirements for the credit activity may not be imposed as a condition for participating in the noncredit, after-school activity.

4. When the activity or program begins, the students are to be informed of the following:

   a. If a student encounters a previously-unforeseen conflict during the semester or season, s/he should inform both staff-members-in-charge as soon as possible in order to increase the likelihood that an accommodation can be worked out.

   b. If, during the year, an ad-hoc situation develops which creates a conflict in schedule for a student, s/he should discuss the conflict with Principalwho, in turn, will work with the staff-members-in-charge to try to reach an accommodation that is most advantageous to the student and least disadvantageous for the activities involved.

   c. Under no circumstances is the student to be intimidated while making a decision by threats of penalties or future consequences.

© Neola 2013

ag2431

INTERSCHOLASTIC ATHLETICS

2431 - **INTERSCHOLASTIC ATHLETICS**

In order to maintain an effective program of interscholastic athletics, the District employs an athletic director and coaches who, in cooperation with the High School Principal, are to fulfill the responsibilities described below.

In order to maintain an effective program of interscholastic athletics, the District has created an athletic advisory council to act as the liaison between the coaching staffs and the Board and between the Board and the coaching staffs.

Membership

The Council shall consist of the following members:

A. the Superintendent

B. the High/Middle School Principals

C. the Athletic Director

D. members of the Board of Education

Functions

The Council has been given the responsibility to:

A. establish the athletic program as an integral part of the educational program of the Niles City Schools;

B. control and regulate athletics by establishing uniform policies consistent with District aims and objectives and the policies of the Board;

C. direct the athletic program according to the rules and regulations of the High School Athletic Association that are consistent with State and Federal law;

D. continuously evaluate the interscholastic athletic program.

Restoration of an "Incomplete" Grade

If a student's failure to meet the academic eligibility requirements is due to an "incomplete" 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 by the Executive Director's office 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 contemporaneous at the items of the incident; and

B. the "incomplete" was given in accordance with Board/other governing board adopted policies and procedure and is applicable to all students in the school;

C. verification that the student was unable to complete work due to calamity days, illness or accident that is contemporaneously confirmed by a physician or a severe family tragedy

D. verification that the Incomplete was given in accordance with Board policy and available to all students

E. confirmation that the work has been made up in accordance with Board policy and that grades have been recorded for all incomplete work

F. verification that the Incomplete was not given to avoid a failing grade and that no extended time was afforded the student in order to avoid the failing grade

G. the student's preceding grading period grade card

© Neola 2019

ag2431B

SPORTSMANSHIP EXPECTATIONS

2431B - **SPORTSMANSHIP EXPECTATIONS**

In keeping with Board policy and the guidelines of the High School Athletic Association, the following behaviors are expected of each group as that group fulfills its role in providing for an athletic program that is based on exemplary sportsmanship.

SCHOOL ADMINISTRATORS are expected to:

A. Develop a program for teaching and promoting the ideals and fundamentals of good sportsmanship within the school, the league/conference, and the High School Athletic Association. This program should stress that disrespectful behavior, especially taunting, trash talking, and intimidation, will not be tolerated.

B. Provide appropriate supervisory personnel for each interscholastic event.

C. Support participants, coaches, and fans who teach and display good sportsmanship.

D. Recognize exemplary behavior and actively discourage undesirable conduct by participants, coaches, and fans.

E. Attend events whenever possible and function as a model of good sportsmanship. This includes communicating with spectators **during an event** what is acceptable and unacceptable behavior.

EACH COACH is expected to: (see Form 2431B F1)

A. Exemplify the highest moral character, behavior, and leadership, adhering to strong ethical and integrity standards. Practicing good citizenship is practicing good sportsmanship!

B. Respect the integrity and personality of the individual athlete.

C. Abide by and teach the rules of the game in letter and in spirit.

D. Describe and define respectful and disrespectful behavior. Stress that disrespectful behavior, especially taunting, trash talking, and intimidation, will not be tolerated.

E. Set a good example for players and spectators to follow.

F. Refrain from arguments in front of players and spectators.

G. Not use gestures which indicate an official or opposing coach does not know what s/he is doing or talking about.

H. Not throw objects in disgust.

I. Shake hands with the officials and the opposing coaches before and after the contest in full view of the public and demand the same of his/her players.

J. Respect the integrity and judgment of game officials.

The officials are doing their best to help promote athletics and the student athlete. Treating them with respect, even if you disagree with their judgment, will only make a positive impression of you and your team in the eyes of all people at the event.

K. Display modesty in victory and graciousness in defeat in public and in meeting/talking with the media.

L. Confine his/her remarks to game statistics and to the performance of his/her team.

M. Instruct participants and spectators in proper sportsmanship responsibilities and demand that they make sportsmanship the No. 1 priority.

N. Develop a program that rewards participants and spectators for displaying proper sportsmanship and enforces penalties on those who do not abide by sportsmanship standards.

O. Be no party to the use of profanity or obscene language, or improper actions.

EACH STUDENT-ATHLETE is expected to: (see Form 2431B F2)

A. Accept and understand the seriousness of his/her responsibility, and the privilege of representing the school, District, and community.

B. Live up to the standards of sportsmanship established by the school administration and the coaching staff.

C. Learn the rules of the game thoroughly and discuss them with parents, fans, fellow students, and elementary students. This will assist the student and others to achieve a better understanding and appreciation of the game.

D. Treat opponents the way the student would like to be treated, as a guest or friend. Who better than the participating athlete can understand all the hard work and team effort that is required of the sport?

E. Refrain from taunting, trash talking, and making any kind of derogatory remarks to opponents during the game, especially comments of ethnic, racial, or sexual nature.

F. Refrain from intimidating behavior.

G. Wish opponents good luck before the game and congratulate them in a sincere manner following either victory or defeat.

H. Respect the integrity and judgment of game officials.

The officials are doing their best to help promote athletes and the sport. Treating them with respect, even if the athlete disagrees with their judgment, will only make a positive impression of the athlete and the team in the eyes of the officials and all the people at the event.

I. Win with humility; lose with grace. Do both with dignity. Avoid excessive celebrating after a play or end of a game.

EACH CHEERLEADER is expected to: (see Form 2431B F3)

A. Understand the seriousness and responsibility of his/her role, and the privilege of representing the school, District, and community.

B. Treat opposing cheerleaders the way the student would like to be treated, as a guest or friend.

Who better than the cheerleader can understand all the training and team effort that goes into a cheerleading squad?

C. Wish opposing cheerleaders good luck before the game and congratulate them in a sincere manner following either victory or defeat.

D. Establish standards of desirable behavior for the squad and attempt in a cheerful manner to transfer that to the school's spectators.

E. Select positive cheers which praise the school's team without antagonizing the opponents.

F. Encourage a positive crowd alternative when booing or an inappropriate chant begins by starting a popular cheer.

G. Use discretion in selecting the times to cheer. Give the opposing school the same amount of time the school's squad would want in performing cheers, and treat opposing players like the school's team is treated.

H. Give encouragement to injured players and recognition to outstanding performances for both teams.

I. Respect the integrity and judgment of game officials.

Treating them with respect, even if the cheerleader disagrees with their judgment, will only make a positive impression of the team, the squad, and community in the eyes of the officials and all at the event.

MEMBERS OF OTHER STUDENT GROUPS (PEP CLUB, BAND) are expected to: (see Form 2431B F4)

A. Establish themselves as leaders in conduct before, during, and after contests and events. Always provide positive support for the school's team, rather than intimidating or ridiculing the other team.

B. Assist cheerleaders with yells, chants, etc., and be a working part of pep assemblies, with preparation, organization, and involvement.

C. Treat opposing players, coaches, spectators, and support groups with respect and enthusiasm.

D. Refrain from taunting or making any kind of derogatory remarks to opponents during the game, especially comments of ethnic, racial, or sexual nature.

E. Conduct themselves in an exemplary manner, remembering they represent the school both home and away.

F. Respect the integrity and judgment of game officials.

Treating them with respect, even if disagreeing with their judgment, will only make a positive impression of the group, the team, and community in the eyes of all people at the event.

G. Be exemplary role models by positively supporting teams in every manner possible, including content of cheers and signs.

EACH SPECTATOR is expected to: (see Form 2431B F5)

A. Remember that s/he is at a contest to support and yell for the team and to enjoy the skill and competition; not to intimidate or ridicule the other team and its fans.

B. Remember that school athletics are learning experiences for students and that mistakes are sometimes made. Praise student athletes in their attempt to improve themselves as students, as athletes, and as people as you would praise a student working in the classroom.

C. Remember that a ticket to a school athletic event is a privilege to observe the contest, not a license to verbally assault others and be generally obnoxious.

D. Learn the rules of the game, so that s/he may understand and appreciate why certain situations take place.

E. Show respect for the opposing players, coaches, spectators, and support groups. Treat them as one would treat a guest in his/her own home.

F. Refrain from taunting or making any kind of derogatory remarks to the opponents during the game, especially comments of ethnic, racial, or sexual nature.

G. Respect the integrity and judgment of game officials. Understand that they are doing their best to help promote the student-athlete, and admire their willingness to participate in full view of the public.

H. Recognize and show appreciation for an outstanding play by either team.

I. Refrain from the use of any controlled substances (alcohol, drugs, etc.) before and during games, and afterwards on or near the site of the event (i.e. tailgating).

J. Use only those cheers that support and uplift the teams involved.

K. Recognize and compliment the efforts of school and league administrators in emphasizing the benefits of educational athletics and the role of good sportsmanship to that end.

L. Be a positive behavior role model through his/her own actions and by censuring those close by whose behavior is unbecoming.

THE PUBLIC ADDRESS ANNOUNCER is expected to: (see Form 2431B F6)

A. Be impartial. Announce the contest with no show of favoritism.

B. Use proper language at all times.

C. Be enthusiastic but calm.

D. Not "talk over the crowd."

E. Not anticipate or second guess calls by the officials or criticize official's decisions, directly or indirectly.

F. Be aware of the entire venue so that calm directions can be given in an emergency.

Serious situations can be avoided if the announcer will caution the crowd against coming onto the playing surface, throwing things, and the like.

G. Permit no one to use the microphone (especially coaches during the game), except those in charge of the event and/or by design of those in charge of the event.

H. Be responsible for whatever is said over the p.a. system.

I. Announce convenient routes for spectators to leave the venue and caution the crowd to drive safely on its way home.

J. Be aware that good sportsmanship is a very important part of interscholastic activities; reading a sportsmanship statement prior to the beginning of an event, and at key times during breaks in the action contributes to a positive, educational atmosphere.

© Neola 2008

ag2431C

CONCUSSIONS AND HEAD INJURIES

2431C - **CONCUSSIONS AND HEAD INJURIES**

The Athletic Director shall require, on an annual basis, that each coach and coaching volunteer receives and affirms receipt of a copy of the Ohio Department of Health's concussion information sheet. On an annual basis, physical education teachers shall review the Ohio Department of Health's concussion information sheet.

The Athletic Director shall require that each student athlete 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 athletics until Form 2431 F1 and Form 2431 F2 are received by the Athletic Director.

Any student practicing for or competing in an intramural or 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). Physical Education teachers shall remove from P.E. class participation any student who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury. The Athletic Director, Principal, P.E. teacher, and/or coach shall notify parents or guardians about the possible concussion or head injury.

Any student who has been removed from P.E. class, practice, or competition by a P.E. teacher, coach, or referee because s/he has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any P.E. class, practice, or competition for which the P.E. teacher, coach, or referee is responsible on the same day as the removal and not until both of the following occur:

A. The student's condition is assessed by a physician or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student.

B. The student receives written clearance that it is safe to return to the P.E. class, or athletic practice or competition, from a physician or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to grant a such a clearance.

© Neola 2015

ag2431.01

ATHLETIC PARTICIPATION/CONCUSSIONS

2431.01 - **ATHLETIC PARTICIPATION/CONCUSSIONS**

If a concussion is suspected by a physical education teacher or coach, the student will be removed from the class, practice, or game. The student will not be permitted to return to full participation on the same day as the removal and not until s/he is evaluated by a healthcare professional experienced in concussion management and receives written clearance for full participation from that professional. Limited physical activity in the physical education context may eventually be permitted, depending on the recommendation of the healthcare professional.

Parents or guardians shall be notified about the possible concussion and given information on concussions and the need for medical attention.

Prior to the beginning of each season and pre-season training, coaches shall notify parents, guardians, and student athletes of the fact that written clearance for full participation will be required from a healthcare professional when a concussion is suspected or diagnosed.

Coaches and physical education staff will be trained in concussion recognition and response. Specifically, training will include information on how to recognize the signs and symptoms of a concussion, how to obtain proper medical treatment in cases of suspected concussions, and return-to-play standards.

Students who inform coaches and physical education teachers that they are being treated by a healthcare professional for a physical injury must provide written clearance from that healthcare professional for full or limited participation in class, practice, or competition.

© Neola 2015

ag2460

SPECIAL EDUCATION

2460 - **SPECIAL EDUCATION**

The District shall follow and comply with the general guidelines outlined in the Special Education Model Policies and Procedures ("Model Policies") identified in Board Policy 2460 and on file in the office of the Board Office. Said guidelines shall be interpreted in a manner that is consistent and compliant with the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and its implementing regulations, and the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities ("Operating Standards") set forth in the Ohio Administrative Code.

While the Model Policies are comprehensive, the District recognizes its obligation to follow all relevant laws and regulations, regardless of whether their provisions are restated in the Model Policies.

ag2460.03

INDEPENDENT EDUCATIONAL EVALUATIONS

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 Policy 2460.03 and below.

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. However, the explanation by the parent may not be required and the District will not unreasonably delay either providing the IEE at public expense or initiating a due process hearing - pursuant to O.A.C. 3301-51-05(G) - to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the District's evaluation as a prior condition to obtaining the IEE. 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.

If parents request an IEE at public expense, the District will, without unnecessary delay:

A. provide information to parents about where an IEE may be obtained and the District's criteria applicable for IEEs; and

B. either initiate a due process hearing to show that its evaluation is appropriate, or

C. provide an IEE at public expense, unless the School District demonstrates in a due process hearing that the evaluation obtained by the parent did not meet District criteria.

If the District initiates a due process hearing and the final decision is that the District's evaluation is appropriate, the parents may still obtain an IEE but not at public expense.

MINIMUM QUALIFICATIONS FOR EVALUATION

The independent examiner must possess the following minimum and current qualifications:

A. ***Medical (physical) examinations***, including vision examinations, must be conducted by a licensed doctor of medicine or doctor of osteopathy. Visual acuity evaluations must be completed by an optometrist. Visual examinations for the purpose of identifying a visual impairment must be done by an M.D. or D.O.

B. All ***general intelligence and achievement evaluations*** must be conducted by a psychologist who holds a license from the State of Ohio, Board of Psychology or who holds a Ohio School Psychologist certificate/license from the Ohio Department of Education. Any other evaluations provided by a psychologist as part of the IEE must be conducted by a psychologist who holds a license from the State of Ohio, Board of Psychology, or who holds an Ohio School Psychologist certificate/license from the Ohio Department of Education.

C. ***Audiological evaluations*** must be conducted by an audiologist who holds a license from the Ohio Board of Speech Pathology and Audiology; an Ohio special education teacher's certificate/license for audiology from the Ohio Department of Education; and at least a Master's Degree in audiology or its equivalent from an accredited institution.

D. ***Speech/Language evaluations*** must be conducted by a speech/language pathologist who holds a license from the Ohio Board of Speech Pathology and Audiology and/or an Ohio special education teacher's certificate/license for speech and hearing therapy from the Ohio Department of Education.

E. ***Physical therapy evaluations*** must be conducted by a physical therapist who holds a license from the Ohio Board of Occupational Therapy and Physical Therapy and/or a special education teacher's certificate/license for physical therapy from the Ohio Department of Education.

F. ***Occupational therapy evaluations*** must be conducted by an occupational therapist who holds a license from the Ohio Board of Occupation Therapy and Physical Therapy and/or a special education teacher's certificate/license for occupational therapy from the Ohio Department of Education.

G. ***Assessments for social/emotional/behavioral functioning*** must be conducted by professionals with appropriate certification or licensure in a relevant field, such as psychology, psychiatry, counseling, or social work.

H. Other evaluations must be conducted by qualified professionals as determined by State and Federal law and regulations and by professionals with the same qualifications as the School District uses in its evaluation team reports including, but not limited to, credentials, licenses, certificates, background and educational-related experience (including experience in a public school educational setting).

Maximum Fees for Various Evaluations

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.

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.

Independent Evaluation Costs - Up to the average of the prevailing rate:

Communication/Speech/Audiological	up to $500.00
Medical	up to $500.00
Occupational Therapy or Physical Therapy	up to $500.00
Psychological	up to $1,500.00
Vision Examination by Ophthalmologist/Optometrist	up to $200.00
Comprehensive IEE	up to $2,800.00

Supervisor of the Office of Exceptional Children shall maintain a list of sources for an IEE within the geographic area specified in Policy 2460.03. If parents select someone not listed to conduct the IEE, the District will negotiate a reasonable or maximum charge for the service.

The evaluation tool or methodology used by the evaluator must be research-based and generally accepted for use with children to assess for the suspected disabilities. The evaluator must provide all testing materials. All assessment/evaluation instruments must meet the following requirements:

A. All evaluation instruments must be administered by a qualified examiner, be age appropriate to the child, and be administered, scored and interpreted in conformance with the publisher's instructions and in accordance with all applicable professional criteria and standards.

B. The evaluation instruments are to be chosen on the basis of their relevancy to the educational questions to be addressed by the evaluation. This means that the instruments should be those that are commonly known to, and used by, public school professionals.

C. The evaluation instruments must be provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

D. The evaluation instruments must be current; have acceptable reliability and validity according to professional testing standards; be generally accepted in the field of educational evaluation; and provide information relevant to determining eligibility for special education or for developing an IEP. Norm-referenced evaluation instruments must be appropriately normed and standardized for the specific purpose for which they are used.

E. Tests must be administered and selected so as to best ensure that when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills except where those skills are factors which the test purports to measure.

F. Meaningful parts to an IEE include: (a) observation in school/classroom setting; (b) interview of school personnel; (c) a description of the educational history, including a listing of educational interventions; and (d) a review and summary of education records.

© Neola 2016

ag2510

SELECTION OF BASIC TEXT MATERIALS

2510 - **SELECTION OF BASIC TEXT MATERIALS**

New basic text materials and revisions to same will be recommended to the Superintendent . Appropriate staff members will comprise the selection (review) committees. (see Form 2510 F1)

Each committee will be responsible for establishing selection standards for each criterion in the following categories:

A. **Publisher and Author**

What is the reputation of the author(s) for scholarship?

What is the reliability of the publisher?

B. **Content**

In terms of achieving course goals.

How effective is the organizational plan?

How relevant is the information?

How complete is the information?

How accurate and unbiased is the information?

How appropriate is the illustrative material?

How sufficient is the illustrative material?

If students accomplished all the objectives called for in the material, how well would they be able to achieve the goals of the course?

C. **Necessity**

If replacement text, how does it improve upon existing text?

D. **Instructional Aids**

Does the book contain: an index? graphic materials? references? a bibliography? glossaries? appendices? Are there any software or other resources provided with the books?

How appropriate is each of these?

E. **Format**

What kind of binding? paper? type?

Will the format help or inhibit student interest and ease of use?

F. **Expense**

What is the cost and probable life?

G. **Moral Tone**

How does the text handle controversial subjects in terms of the maturity level of the students and objectivity?

H. **Past Experience**

How successfully has the text been used in other districts?

I. **Bias**

How free is the text of religious, gender, racial, and national origin bias?

Selection committees should use the following procedures for the selection and recommendation of basic textbooks:

A. The text materials should be examined by each one of the committee members. The committee members should also examine, whenever possible, other text materials similar in nature to the one being considered for adoption.

B. The chairperson of the selection committee will be responsible for submitting the recommendations to the Superintendent.

ag2520A

SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

2520A - **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

In accordance with the policies of the Board of Education for selection of resource materials, the following guidelines should be followed:

A. **Criteria for Selection of Instructional Materials**

1. technical quality of the publication/production
2. readability and appeal to students
3. authoritativeness
4. completeness, accuracy, clarity
5. Absence of gender stereotyping and racial or ethnic bias
6. reputation and significance of the author, artist, composer, and/or producer
7. format and price
8. relationship to a course of study
9. extent to which the scope/content of the material makes it possible for students to accomplish the objectives and goals of the program
10. appropriateness of the content and/or presentation relative to the maturity and/or comprehension level of the students
11. needs of an individual school program based on requests from administrators and teachers
12. needs of individual students based on requests by teachers, parents, or students

B. **Criteria for Selection of Equipment**

The evaluation and selection criteria for instructional equipment should include:

1. relevance to the school curriculum;

2. needs of staff and/or students;

3. technical quality;

4. reliability;

5. ease of repair and maintenance;

6. compatibility with existing District equipment, when applicable.

ag2520C

RESOURCE SPEAKERS

2520C - **RESOURCE SPEAKERS**

Teachers are encouraged to invite guest lecturers to discuss a particular subject with their students under the following conditions:

A. The subject is of educational relevance and value to the students in that class.

B. The subject is presented in an unbiased or unprejudiced manner. (Speakers representing several sides of an issue may be used.)

C. The speaker(s) will not tend to disrupt the educational program.

D. The information to be discussed is appropriate for the age and maturity of the students.

E. The teacher shall remain in the classroom during the entire presentation in order to provide appropriate follow-up.

The Principal shall approve the visits of all guest speakers.

ag2520D

STUDENT USE OF LIBRARIES/MEDIA CENTERS

2520D - **STUDENT USE OF LIBRARIES/MEDIA CENTERS**

Libraries and media centers have been established primarily to enrich the education of students and to help them learn how to make effective use of reference and enrichment materials. The cost of such centers can only be justified when the following conditions exist:

A. The centers are open and available to students during the school day as staffing and program make possible.

B. The environment within the centers is inviting, attractive, and conducive to thought and study.

C. Staff members communicate their willingness to assist students in locating the resources they seek and to instruct them in the proper use of the reference and retrieval systems.

D. Courses of study are designed so that use of the resources that exist in the centers are an essential means for achieving the learning objectives in the course.

E. Part of the evaluation of what students have learned in a course should be growth in the skills associated with using learning resources such as those that exist in the libraries and media centers.

ag2531A

COPYRIGHTED WORKS

2531A - **COPYRIGHTED WORKS**

It is recommended that this more detailed, technical version of the Copyright Guideline be kept by the District's Compliance Officer.

The United States Copyright Laws provide a basis for a civil action if an owner's copyrighted work is infringed by either direct or indirect copying that results in an identical or similar version of the work. Examples of works that are entitled to copyright protection are:

A. literary works;

B. musical works, including any accompanying words;

C. dramatic works, including any accompanying music;

D. pantomimes and choreographic works;

E. pictorial, graphic, and sculptural works;

F. motion pictures and other audiovisual works;

G. sound recordings;

H. architectural works.

The law affects classroom practices, and therefore educators must examine:

A. **what** they copy;

B. how **much** they copy;

C. the **purposes** for which they copy;

D. the **conditions** under which they copy.

Although a particular work may be copyright protected, the Fair Use Doctrine provides exceptions whereby a reproduction is not an infringement. In determining whether a particular use is a fair use, the following factors are considered:

A. the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

B. the nature of the copyrighted work;

C. the amount and substantiality of the portion used in relation to copyrighted work as a whole;

D. the effect of the use upon the potential market for or value of the copyrighted work.

Many factors, therefore, impact whether a particular use of a copyrighted work is a fair use. The following guidelines offer guidance as to what may or may not be considered a fair use. While these guidelines are not law, *i.e.*, they are not definitive, they do reflect prevailing legal thought.

Books and Periodicals

A. **Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book;

2. An article from a periodical or newspaper;

3. A short story, short essay, or short poem, whether or not from a collective work;

4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

B. **Multiple Copies for Classroom**

Multiple copies (not to exceed in any event more than one (1) copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

1. The copying meets the tests of brevity and spontaneity as defined below;

2. Meets the cumulative effect test as defined below;

3. Each copy includes a notice of copyright.

C. **Definitions**

1. **Brevity**

a. Poetry: (1) A complete poem if less than 250 words and if printed on not more than two (2) pages; (2) from a longer poem, an excerpt of not more than 250 words.

b. Prose: (1) Either a complete article, story or essay of less than 2,500 words; (2) an excerpt from any prose work of not more than 1,000 words or ten percent(10%) of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "a." and "b." above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

c. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

d. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "b" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two (2) of the published pages of such special work and containing not more than ten percent (10%) of the works found in the text thereof, may be reproduced.

2. **Spontaneity**

a. The copying is at the instance and inspiration of the individual teacher.

b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

3. **Cumulative Effect**

a. The copying of the material is for only one (1) course in the school in which the copies are made.

b. Not more than one short poem, article, story, essay or two (2) excerpts may be copies from the same author, nor more than three (3) from the same collective work or periodical volume during one (1) class term.

c. There shall not be more than nine (9) instances of such multiple copying for one (1) course during one (1) class term.

Prohibitions as to the Two (2) Sections Presented Above: "Single Copy for Teachers" and "Multiple Copies for Classroom"

Notwithstanding any of the above, the following shall be prohibited:

A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may not occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

C. Copying shall not:

1. substitute for the purchase of books, publishers' reprints or periodicals;

2. be directed by higher authority;

3. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

Televised Material

A. **In General**

This section applies to a class viewing of an educational audiovisual work that is either broadcast at a

particular time or available on a recorded videotape that is not licensed for public performance by the educational institution.

B. **Viewing of A Live Television Broadcast During Class Time**

If the audiovisual work is a broadcast television program and the timing of the broadcast corresponds to the meeting time of the class, the teacher is permitted to arrange for a television to be made available so that the class may view the televised program simultaneous with the broadcast only if no admission is charged directly or indirectly to view the work.

C. **Videotapes (*Guidelines II C. - II. F. were created by ALA, American Libraries, February 1986)***

Libraries purchase a wide range of educational and entertainment videotapes for in-library use and for lending to patrons. Since ownership of a physical object is different from ownership of the copyright therein, guidelines are necessary to define what libraries can do with the videotapes they own without infringing the copyrights they do not own. If a particular use would be an infringement, permission can always be sought from the copyright owner.

1. **In-classroom Use**

In-classroom performance of a copyrighted videotape is permissible under the following conditions:

a. The performance must be by instructors (including guest lecturers) or by students;

b. the performance is in connection with face-to-face teaching activities;

c. the entire audience is involved in the teaching activity;

d. the entire audience is in the same room or same general area;

e. the teaching activities are conducted by a non-profit education institution;

f. the performance takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium or workshop;

g. the videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.

2. **In-Library Use in Public Libraries**

a. Most performances of a videotape in a public room as part of an entertainment or cultural program, whether a fee is charged or not, would be infringing and a performance license is required from the copyright owner.

b. To the extent a videotape is used in an educational program conducted in a library's public room, the performance will not be infringing if the requirements for classroom use are met

(See Televised Material C.1.).

c. Libraries which allow groups to use or rent their public meeting rooms should, as part of their rental agreement, require the group to warrant that it will secure all necessary performance licenses and indemnify the library for any failure on their part to do so.

d. If patrons are allowed to view videotapes on library-owned equipment, they should be limited to private performances, *i.e.,* one (1) person, or no more than one (1) family, at a time.

e. User charges for private viewings should be nominal and directly related to the cost of maintenance of the videotape.

f. Even if a videotape is labeled "For Home Use only," private viewing in the library should be considered to be authorized by the vendor's sale to the library with imputed knowledge of the library's intended use of the videotape.

g. Notices may be posted on video recorders or players used in the library to educate and warn patrons about the existence of the copyright laws, such as:

MANY VIDEOTAPED MATERIALS ARE PROTECTED BY COPYRIGHT. 17 U.S.C. 101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

3. **Loan of Videotapes**

a. Videotapes labeled "For Home Use Only" may be loaned to patrons for their personal use. They should not knowingly be loaned to groups for public performances.

b. Copyright notice as it appears on the label of a videotape should not be obscured.

c. Nominal user fees may be charged.

d. If a patron inquires about a planned performance of a videotape, s/he should be informed that only private uses of it are lawful.

e. Video recorders may be loaned to a patron without fear of liability even if the patron uses the recorder to infringe a copyright. However, it may be a good idea to post notices on equipment that may be used for copying (even if an additional machine would be required) to assist copyright owners in preventing unauthorized reproduction. (See Televised Material C.2.g.)

4. **Duplication of Videotapes**

Under limited circumstances libraries may dupe a videotape or a part thereof, but the rules of 108 of the Copyright Revision Act of 1976 which librarians routinely utilize with respect to photocopying, apply to the reproduction.

Music

A. **Permissible Uses**

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than ten (10) percent (10%) of the whole work. The number of copies shall not exceed one (1) copy per student.

3. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

5. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

B. **Prohibitions**

1. Copying to create or replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in Music A.1. above.

4. Copying for the purpose of substituting for the purchase of music, except as in Music A.1. and Music A.2. above.

5. Copying without inclusion of the copyright notice that appears on the printed copy.

Computer Programs

A. **Purchase Conditions Generally** (Guidelines Computer Programs A-D were created by ALS, American Libraries, February 1986

Most computer software purports to be licensed rather than sold. Frequently the package containing the software is wrapped in clear plastic through which legends similar to the following appear:

You should carefully read the following terms and conditions before opening this diskette package. Opening this diskette package indicates your acceptance of these terms and conditions. If you do not agree with them you should promptly return the package unopened and your money will be refunded.

OR

Read this agreement carefully. Use of this product constitutes your acceptance of the terms and conditions of this agreement.

OR

This program is licensed on the condition that you agree to the terms and conditions of this license agreement. If you do not agree to them, return the package with the diskette still sealed and your purchase price will be refunded. Opening this diskette package indicates your acceptance of these terms and conditions.

In the absence of authority to the contrary, one should assume that such licenses are in fact binding contracts. Therefore by opening and using the software the library or classroom may become contractually bound by the terms of the agreement wholly apart from the rights granted the copyright owner under the copyright laws.

Following such legends are the terms and conditions of the license agreement. The terms vary greatly between software producers and sometimes between programs produced by the same producer. Many explicitly prohibit rental or lending; some limit the program to use on one (1) identified computer or to one (1) user's personal use.

B. **Avoiding License Restrictions**

Loans of software may violate the standard license terms imposed by the copyright owner. To avoid the inconsistencies between sale to a library and the standard license restriction, libraries should note on their purchase orders the intended use of software meant to circulate. Such a legend should read:

PURCHASE IS ORDERED FOR LIBRARY CIRCULATION AND PATRON USE

Then, if the order is filled, the library is in a good position to argue that its terms, rather than the standard license restrictions, apply.

C. **Archival Copies**

1. Libraries may lawfully make one (1) archival copy of a copyrighted program under the following conditions:

    a. one (1) copy is made;

    b. the archival copy is stored;

    c. if possession of the original ceases to be lawful, the archival copy must be destroyed or transferred along with the original program;

d. copyright notice should appear on the copy.

2. The original may be kept for archival purposes and the "archival copy" circulated. Only one (1) copy -- either the original or the archival -- may be used or circulated at any given time.

3. If the circulating copy is destroyed, another "archival" copy may be made.

4. If the circulating copy is stolen, the copyright owner should be consulted before circulating or using the "archival" copy.

D. **In-library and In-classroom Use**

1. License restrictions, if any, should be observed.

2. If only one (1) program is owned under license, ordinarily it may only be used on one (1) machine at a time.

3. Most licenses do not permit a single program to be loaded into a computer which can be accessed by several different terminals or into several computers for simultaneous use.

4. If the machine is capable of being used by a patron to make a copy of a program, a warning should be posted on the machine, such as:

   MANY COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT. 17 U.S.C. 101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

E. **Lending Copies of Computer Programs to Library Patrons**

General Rule: Provided that the required warning is placed on lawfully acquired copies of computer programs, they may be lent by nonprofit libraries to patrons for nonprofit purposes under Title 17 Section 109(b) of the Copyright Act. In looking at these scenarios, keep in mind that the library patron may be liable for copyright infringement even if the library is not.

1. A nonprofit library possesses one (1) copy of a popular word processing program pursuant to a valid license, affixes to the package the required copyright warning, and makes it available at the circulation desk for patrons to borrow.

   This is permissible under Title 17 Section 109(b)(2), provided that the lending library is unaware or has no substantial reason to believe that the computer software is lent for a for-profit purpose.

2. Assuming the same facts as in Computer Programs E.1. A student working on an English literature research paper borrows the word processing program and installs it on his/her personal computer. Later, when the word processing program is overdue, she returns the packaged copy to the library, but keeps the copy installed on his/her computer to complete the research paper.

   Statutory exemptions are available to the library, but not to the student. The Title 17 Section 109(b)(2) lending exemptions permit "transfer of possession" and "lending" of computer programs by schools

and libraries for users, but not unauthorized reproduction by patrons. The library would not face liability unless contributory infringement or vicarious liability is proved, such as demonstrating that the library encouraged patrons to copy.

3. A nonprofit library loans its copy of applications software that was purchased, not licensed. The required warning is affixed to the package.

   This is permissible under Title 17 Section 109(b)(2) provided that the borrowing library is unaware or has no substantial reason to believe that the software is to be used for for-profit purposes. Lending the applications software is impermissible if the library acquired it under a license that did not permit loans.

4. A library purchases a book with supplemental software on a disk in the book pocket. The library lends the book with the accompanying software in response to an inter-library loan request.

   This is permissible under Title 17 Section 109(b)(2), provided that the book and software is lent for a nonprofit purpose, and the library affixes to the book or disk the required copyright warning.

F. **Patron Use from Remote Servers**

1. A library at a nonprofit educational institution obtains a single-machine license for a popular word processing program, but makes it available via a campus-wide computer system that any number of students, faculty, and staff may access simultaneously from either on or off campus. The required copyright warning is displayed whenever an end-user signs onto the computer system.

   The fair use defense and statutory exemptions are unavailable. The lending exemptions for nonprofit libraries and nonprofit educational institutions apply to lawfully made copies, but not to the unauthorized reproduction and public display that occurs with network distribution. The fair use defense also should not apply to this reproduction, despite its non-commercial purpose, because the entire computer program is reproduced, the computer program may be unpublished, and the serious commercial effect caused by lost license fees and pirated copies.

2. Assume the same facts as in Computer Programs F.1., except that the library obtains a network version of the word processing program and a site license permitting simultaneous access for faculty, staff, and students.

   There is no infringement by library or faculty, staff, or students."list-style-type: upper-alpha;">
3. keep archival copies of downloaded works;

4. download a "substantial taking" (complete database or most of the records). Note that this criterion also includes a qualitative aspect. For example, if several records were retrieved from a large database but these records were qualitatively superior to the others, the use could also be considered a "substantial taking";

5. make commercially available the downloaded material. All four (4) fair-use criteria apply to downloading, but the economic aspect has generally been regarded to be the most important.

Digital Images

A. **Digitizing by Institutions: Newly Acquired Analog Visual Images**

An educational institution may digitize newly, lawfully, acquired analog visual images to support the permitted educational uses under these guidelines unless such images are readily available in usable digital form for purchase or license at a fair price. Images that are readily available in usable digital form for purchase or license at a fair price should not be digitized for addition to an institutional image collection without permission.

B. **Creating Thumbnail Images**

An educational institution may create thumbnail images of lawfully acquired images for inclusion in a visual catalog for use at the institution. These thumbnail images may be combined with descriptive text in a visual catalog that is searchable by a number of fields, such as the source.

C. **Access, Display, and Distribution on an Institution' Secure Electronic Network**

Subject to the time limitations in Section Digital Images D., an educational institution may display and provide access to images digitized under these guidelines through its own secure electronic network. When displaying digital images on such networks, an educational institution should implement technological controls and institutional policies to protect the rights of copyright owners, and use best efforts to make users aware of those rights. In addition, the educational institution must provide notice stating that digital images on its secure electronic network shall not be downloaded, copied, retained, printed, shared, modified, or otherwise used, except as provided for in the permitted educational uses under these guidelines.

1. Visual online catalog: An educational institution may display a visual online catalog, which includes the thumbnail images created as part of the institution' digitization process, on the institution' secure electronic network, and may provide access to such catalog by educators, scholars, and students affiliated with the educational institution.

2. Course compilations of digital images: An educational institution may display an educator' compilation of digital images (See also Section Digital Images E.1.b.) on the institution' secure electronic network for classroom use, after-class review, or directed study, provided that there are technological limitations (such as a password or PIN) restricting access only to students enrolled in the course. The institution may display such images on its secure electronic network only during the semester or term in which that academic course is given.

3. Access, display, and distribution beyond the institution' secure electronic network: electronic access to, or display or distribution of, images digitized under these guidelines, including the thumbnail images in the institution' visual online catalog, is not permitted beyond the institution' own electronic network, even for educational purposes. However, those portions of the visual online catalog which do not contain images digitized under these guidelines, such as public domain images and text, may be accessed, displayed, or distributed beyond the institution' own secure electronic network.

D. **Time Limitations for Use of Images Digitized by Institutions from Newly Acquired Analog Visual Images**

An educational institution may use and retain in digital image collections images that are digitized from

newly acquired analog visual images under these guidelines, as long as the retention and use comply with the following conditions:

1. Images digitized from a known source and not readily available in usable digital form for purchase or license at a fair price may be used for one (1) academic term and may be retained in digital form while permission is being sought. Permission is required for uses beyond the initial use; if permission is not received, any use is outside the scope of these guidelines and subject to the four-factor fair use analysis.

2. Where the rightsholder of an image is unknown, a digitized image may be used for up to 3 years from first use, provided that a reasonable inquiry is conducted by the institution seeking permission to digitize, retain, and reuse the digitized image. If, after three (3) years, the educational institution is unable to identify sufficient information to seek permission, any further use of the image is outside the scope of these guidelines and subject to the four-factor fair use analysis.

E. **Use By Educators, Scholars, And Students**

Subject to the time limitations in Section Digital Images D., images digitized under these guidelines may be used by educators, scholars, and students as follows:

1. **Educator Use of Images Digitized Under These Guidelines**

   a. An educator may display digital images for educational purposes, including face-to-face teaching of curriculum-based courses, and research and scholarly activities at a nonprofit educational institution.

   b. An educator may compile digital images for display on the institution' secure electronic network to students enrolled in a course given by that educator for classroom use, after-class review, or directed study, during the semester or term in which the educator' related course is given.

2. **Use of Images for Peer Conferences**

   Educators, scholars, and students may use or display digital images in connection with lectures or presentations in their fields, including uses at non-commercial professional development seminars, workshops, and conferences where educators meet to discuss issues relevant to their disciplines or present works they created for educational purposes in the course of research, study, or teaching.

3. **Use of Images for Publications**

   These guidelines do not cover reproducing and publishing images in publications, including scholarly publications in print or digital form, for which permission is generally required. Before publishing any images under fair use, even for scholarly and critical purposes, scholars and scholarly publishers should conduct the four-factor fair use analysis.

4. **Student Use of Images Digitized Under These Guidelines**

   Students may:

a. Use digital images in an academic course assignment such as a term paper or thesis, or in fulfillment of degree requirements.

b. Publicly display their academic work incorporating digital images in courses for which they are registered and during formal critiques at a nonprofit educational institution.

c. Retain their academic work in their personal portfolios for later uses such as graduate school and employment applications.

Other student uses are outside the scope of these guidelines and are subject to the four-factor fair use analysis.

F. **Image Digitization By Educators, Scholars, And Students For Spontaneous Use**

Educators, scholars, and students may digitize lawfully acquired images to support the permitted educational uses under these guidelines if the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission. Images digitized for spontaneous use do not automatically become part of the institution' image collection. Permission must be sought for any reuse of such digitized images or their addition to the institution' image collection.

G. **Important Reminders And Fair Use Limitations Under These Guidelines:**

1. **Creation of Digital Image Collections**

When digitizing copyrighted images, as permitted under these guidelines, an educational institution should simultaneously conduct the process of seeking permission to retain and use the images.

Where the rightsholder is unknown, the institution should pursue and is encouraged to keep records of its reasonable inquiry. Rightsholders and others who are contacted are encouraged to respond promptly to inquiries.

2. **Reasonable Inquiry**

A reasonable inquiry by an institution for the purpose of clearing rights to digitize and use digital images includes, but is not limited to, conducting each of the following steps: (1) checking any information within the control of the educational institution, including slide catalogs and logs, regarding the source of the image; (2) asking relevant faculty, departmental staff, and librarians, including visual resource collections administrators, for any information regarding the source of the image; (3) consulting standard reference publications and databases for information regarding the source of the image; and (4) consulting rights reproduction collectives and/or major professional associations representing image creators in the appropriate medium.

3. **Attribution and Acknowledgment**

Educators, scholars, and students should credit the sources and display the copyright notice(s) with any copyright ownership information shown in the original source, for all images digitized by educators, scholars, and students, including those digitized under fair use. Crediting the source means adequately identifying the source of the work, giving a full bibliographic description where available (including the creator/author, title, publisher, and place and date of publication) or citing the

electronic address if the work is from a network source. Educators, scholars, and students should retain any copyright notice or other proprietary rights notice placed by the copyright owner or image archive or collection on the digital image, unless they know that the work has entered the public domain or that the copyright ownership has changed. In those cases when source credits and copyright ownership information cannot be displayed on the screen with the image for educational reasons (*e.g.,* during examinations), this information should still be linked to the image.

4. **Licenses and Contracts**

   Institutions should determine whether specific images are subject to a license or contract; a license or contract may limit the uses of those images.

5. **Portions from Single Sources Such as Published Compilations or Motion Pictures**

   When digitizing and using individual images from a single source such as a published compilation (including but not limited to books, slide sets, and digital image collections), or individual frames from motion pictures or other audiovisual works, institutions and individuals should be aware that fair use limits the number and substantiality of the images that may be used from a single source. In addition, a separate copyright in a compilation may exist. Further, fair use requires consideration of the effect of the use on the potential market for or value of the copyrighted work. The greater the number and substantiality of images taken from a single source, the greater the risk that the use will not be fair use.

6. **Portions of Individual Images**

   Although the use of entire works is usually not permitted under fair use, it is generally appropriate to use images in their entirety in order to respect the integrity of the original visual image, as long as the limitations on use under these guidelines are in place. For purposes of electronic display, however, portions of an image may be used to highlight certain details of the work for educational purposes as long as the full image is displayed or linked to the portion.

7. **Integrity of Images: Alterations**

   In order to maintain the integrity of copyrighted works, educators, scholars, and students are advised to exercise care when making any alterations in a work under fair use for educational purposes such as criticism, comment, teaching, scholarship, and research. Furthermore, educators, scholars, and students should note the nature of any changes they make to original visual images when producing their own digital images.

8. **Caution in Downloading Images from Other Electronic Sources**

   Educators, scholars, and students are advised to exercise caution in using digital images downloaded from other sources, such as the Internet. Such digital environments contain a mix of works protected by copyright and works in the public domain, and some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

H. **Transition Period For Pre-Existing Analog Image Collections**

1. **Context**

   Pre-existing visual resource collections in educational institutions (referred to in these guidelines as

"pre-existing analog image collections") often consist of tens of thousands of images which have been acquired from a wide variety of sources over a period of many years. Many pre-existing collections lack adequate source information for older images and standards for accession practices are still evolving. In addition, publishers and vendors may no longer be in business, and information about specific images may no longer be available. For many images there may also be several layers of rightsholders: the rights in an original visual image are separate from rights in a reproduction of that image and may be held by different rightsholders. All these factors complicate the process of locating rightsholders, and seeking permissions for pre-existing collections will be painstaking and time consuming.

However, there are significant educational benefits to be gained if pre-existing analog image collections can be digitized uniformly and systematically. Digitization will allow educators to employ new technologies using the varied and numerous images necessary in their current curricula. At the same time, rightsholders and educational institutions have concerns that images in some collections may have been acquired without permission or may be subject to restricted uses. In either case, there may be rightsholders whose rights and interests are affected by digitization and other uses.

The approach agreed upon by the representatives who developed these guidelines is to permit educational institutions to digitize lawfully acquired images as a collection and to begin using such images for educational purposes. At the same time, educational institutions should begin to identify the rightsholders and seek permission to retain and use the digitized images for future educational purposes. Continued use depends on the institutions'making a reasonable inquiry to clear the rights in the digitized image. This approach seeks to strike a reasonable balance and workable solution for copyright holders and users who otherwise may not agree on precisely what constitutes fair use in the digital era.

2. **Digitizing by Institutions: Images in Pre-Existing Analog Image Collections**

    a. Educational institutions may digitize images from pre-existing analog image collections during a reasonable transition period of seven (7) years (the approximate useful life of a slide) from [December 31, 1996]. In addition, educators, scholars, and students may begin to use those digitized images during the transition period to support the educational uses under these guidelines. When digitizing images during the transition period, institutions should simultaneously begin seeking the permission to digitize, retain, and reuse all such digitized images.

    b. Digitization from pre-existing analog image collections is subject to limitations on portions from single sources such as published compilations or motion pictures. Section Digital Images G.5. of these guidelines should not be interpreted to permit the systematic digitization of images from an educational institution' collections of books, films, or periodicals as part of any methodical process of digitizing images from the institution' pre-existing analog image collection during the transition period.

    c. If, after a reasonable inquiry, an educational institution is unable to identify sufficient information to seek appropriate permission during the transition period, continued retention and use is outside the scope of these guidelines and subject to the four-factor fair use analysis. Similarly, digitization and use of such collections after the expiration of the transition period is outside the scope of these guidelines and subject to the four-factor fair use analysis.

Distance Learning

A. Broadly viewed, distance learning is an educational process that occurs when instruction is delivered to students physically remote from the location or campus of program origin, the main campus, or the primary resources that support instruction. In this process, the requirements for a course or program may be completed through remote communications with instructional and support staff including either one-way or two-way written, electronic or other media forms.

Distance education involves teaching through the use of telecommunications technologies to transmit and receive various materials through voice, video and data. These avenues of teaching often constitute instruction on a closed system limited to students who are pursuing educational opportunities as part of a systematic teaching activity or curriculum and are officially enrolled in the course. Examples of such analog and digital technologies include telecourses, audio and video teleconferences, closed broadcast and cable television systems, microwave and ITFS, compressed and full-motion video, fiber optic networks, audiographic systems, interactive videodisk, satellite-based and computer networks.

B. **Applicability And Eligibility**

1. **Applicability Of The Guidelines**

These guidelines apply to the performance of lawfully acquired copyrighted works not included under Title 17 Section 110(2) (such as a dramatic work or an audiovisual work) as well as to uses not covered for works that are included in Title 17 Section 110(2). The covered uses are (1) live interactive distance learning classes (i.e., a teacher in a live class with all or some of the students at remote locations) and (2) faculty instruction recorded without students present for later transmission. They apply to delivery via satellite, closed circuit television or a secure computer network. They do not permit circumventing anti-copying mechanisms embedded in copyrighted works.

These guidelines do not cover asynchronous delivery of distance learning over a computer network, even one that is secure and capable of limiting access to students enrolled in the course through PIN or other identification system.

In some cases, the guidelines do not apply to specific materials because no permission is required, either because the material to be performed or displayed is in the public domain, or because the instructor or the institution controls all relevant copyrights. In other cases, the guidelines do not apply because the copyrighted material is already subject to a specific agreement. For example, if the material was obtained pursuant to a license, the terms of the license apply. If the institution has received permission to use copyrighted material specifically for distance learning, the terms of that permission apply.

2. **Eligibility**

a. **Eligible Educational Institution**

These guidelines apply to nonprofit educational institutions at all levels of instruction whose primary focus is supporting research and instructional activities of educators and students but only to their nonprofit activities. They also apply to government agencies that offer instruction to their employees.

b. **Eligible Students**

Only students officially enrolled for the course at an eligible institution may view the

transmission that contains works covered by these guidelines. This may include students enrolled in the course who are currently matriculated at another eligible institution. These guidelines are also applicable to government agency employees who take the course or program offered by the agency as a part of their official duties.

C. **Works Performed For Instruction**

Relation To Instruction: Works performed must be integrated into the course, must be part of systematic instruction and must be directly related and of material assistance to the teaching content of the transmission. The performance may not be for entertainment purposes.

D. **Transmission And Reception**

1. **Transmission** (Delivery): Transmission must be over a secure system with technological limitations on access to the class or program such as a PIN number, password, smartcard or other means of identification of the eligible student.

2. **Reception**: Reception must be in a classroom or other similar place normally devoted to instruction or any other site where the reception can be controlled by the eligible institution. In all such locations, the institution must utilize technological means to prevent copying of the portion of the class session that contains performance of the copyrighted work.

E. **Limitations**

1. One Time Use: Performance of an entire copyrighted work or a large portion thereof may be transmitted only once for a distance learning course. For subsequent performances, displays or access, permission must be obtained.

2. **Reproduction And Access To Copies**

   a. Receiving Institution: The institution receiving the transmission may record or copy classes that include the performance of an entire copyrighted work, or a large portion thereof, and retain the recording or copy for up to fifteen (15) consecutive class days (i.e., days in which the institution is open for regular instruction) for viewing by students enrolled in the course. Access to the recording or copy for such viewing must be in a controlled environment such as a classroom, library or media center, and the institution must prevent copying by students of the portion of the class session that contains the performance of the copyrighted work. If the institution wants to retain the recording or copy of the transmission for a longer period of time, it must obtain permission from the rightsholder or delete the portion which contains the performance of the copyrighted work.

   b. Transmitting Institution: The transmitting institution may, under the same terms, reproduce and provide access to copies of the transmission containing the performance of a copyrighted work; in addition, it can exercise reproduction rights provided in Title 17 Section 112(b).

F. **Multimedia**

Commercially Produced Multimedia: If the copyrighted multimedia work was obtained pursuant to a license agreement, the terms of the license apply. If, however, there is no license, the performance of the

copyrighted elements of the multimedia works may be transmitted in accordance with the provisions of these guidelines.

G. **Examples Of When Permission Is Required**

1. **Commercial uses:** Any commercial use including the situation where a nonprofit educational institution is conducting courses for a for-profit corporation for a fee such as supervisory training courses or safety training for the corporation' employees.

2. **Dissemination of recorded courses:** An institution offering instruction via distance learning under these guidelines wants to further disseminate the recordings of the course or portions that contain performance of a copyrighted work.

3. **Uncontrolled access to classes:** An institution (agency) wants to offer a course or program that contains the performance of copyrighted works to non-employees.

4. **Use beyond the 15-day limitation:** An institution wishes to retain the recorded or copied class session that contains the performance of a copyrighted work not covered in Title 17 Section 110(2). (It also could delete the portion of the recorded class session that contains the performance).

Multimedia

These uses are subject to the Portion Limitations listed in Section Multimedia D. They should include proper attribution and citation as defined in Sections Multimedia F.2.

A. **By Students**

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

B. **By Educators for Curriculum-Based Instruction**

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

C. **Permitted Uses Of Educational Multimedia Projects Created Under These Guidelines**

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying and Distribution Limitations listed in Section Multimedia D.

1. **Student Use**

Students may perform and display their own educational multimedia projects created under Section

Multimedia A and B. of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

2. **Educator Use for Curriculum-Based Instruction**

Educators may perform and display their own educational multimedia projects created under Section Multimedia A and B for curriculum-based instruction to students in the following situations:

a. for face-to-face instruction;

b. assigned to students for directed self-study;

c. for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution' secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

If the educational institution' network or technology used to access the educational multimedia project created under Section Multimedia A and B of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only fifteen (15) days after its initial real-time remote use in the course of instruction or fifteen (15) days after its assignment for directed self-study. After that period, one (1) of the two (2) use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the educational multimedia project.

3. **Educator Use for Peer Conferences**

Educators may perform or display their own educational multimedia projects created under Section Multimedia A. and B. of these guidelines in presentations to their peers, for example, at workshops and conferences.

4. **Educator Use for Professional Portfolio**

Educators may retain educational multimedia projects created under Section Multimedia A. and B. of these guidelines in their personal portfolios for later personal uses such as tenure review or job interviews.

D. **Limitations - Time, Portion, Copying And Distribution**

The preparation of educational multimedia projects incorporating copyrighted works under Section Multimedia A. and B., and the use of such projects under Section Multimedia C., are subject to the limitations noted below.

1. **Time Limitations**

Educators may use their educational multimedia projects created for educational purposes under Section Multimedia A. and B. of these guidelines for teaching courses, for a period of up to two (2)

years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section Multimedia C.1.

2. **Portion Limitations**

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. "In the aggregate" means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limitations apply cumulatively to each educator' or student' multimedia project(s) for the same academic semester, cycle or term. All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Sections Multimedia C.1 and Multimedia D.3. should comply with the portion limitations in this section.

a. Motion Media: Up to ten percent (10%) or three (3) minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. of these guidelines.

b. Text Material: Up to ten percent (10%) or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. of these guidelines. An entire poem of less than 250 words may be used, but no more than three (3) poems by one (1) poet, or five (5) poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three (3) excerpts by a poet, or five (5) excerpts by different poets from a single anthology may be used.

c. Music, Lyrics, and Music Video: Up to ten percent (10%), but in no event more than thirty (30) seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section Multimedia A. and B. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

d. Illustrations and Photographs: The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than five (5) images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. When using photographs and illustrations from a published collective work, not more than ten percent (10%) or fifteen (15) images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B.

e. Numerical Data Sets: Up to ten percent (10%) or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section Multimedia A. and B. of these

guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

3. **Copying and Distribution Limitations**

Only a limited number of copies, including the original, may be made of an educator' educational multimedia project. For all of the uses permitted by Section Multimedia C., there may be no more than two (2) use copies only one (1) of which may be placed on reserve as described in Section Multimedia C.2.c. An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy but only for the purposes described in Sections Multimedia C.3. and Multimedia C.4. for educators and in Section Multimedia C.1. for students.

E. **EXAMPLES OF WHEN PERMISSION IS REQUIRED**

1. **Using Multimedia Projects for Non-Educational or Commercial** Purposes

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

2. **Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distributing beyond the limitations listed in Section Multimedia D.3.

3. **Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section Multimedia C.2.c., without obtaining permissions for all copyrighted works incorporated in the program.

F. **IMPORTANT REMINDERS**

1. **Caution in Downloading Material from the Internet**

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

2. **Attribution and Acknowledgement**

Educators and students are reminded to credit the sources and display the copyright notice and copyright ownership information if this is shown in the original source, for all works incorporated as part of educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of the work, giving

a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright ownership information includes the copyright notice (©, year of first publication and name of the copyright holder).

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project (e.g., credit section) except for images incorporated into the project for the uses described in Section Multimedia C.2.c. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when, and to the extent, such information is reasonably available; credit and copyright notice information is considered incorporated if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyright ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information would be relevant to the examination questions), those images may be displayed without such information being simultaneously displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.

3. **Notice of Use Restrictions**

Educators and students are advised that they must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the educational multi-media fair use guidelines and are restricted from further use.

4. **Future Uses Beyond Fair Use**

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

5. **Integrity of Copyrighted Works: Alterations**

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

6. **Reproduction or Decompilation of Copyrighted Computer Programs**

Educators and students should be aware that reproduction or decompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

7. **Licenses and Contracts**

Educators and students should determine whether specific copyrighted works, or other data or information are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Obtaining Permission for Copying

A. A teacher may request and obtain permission to copy material from a copyrighted work; s/he may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.

B. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include the title, author or editor, and edition of materials for which permission is sought; the exact materials to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material; the number of copies to be made; the use to be made of the duplicated materials; the form of distribution; whether or not the copies will be sold; and the process by which the material will be reproduced.

C. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the Superintendent.

© Neola 2010

ag2531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

This School District does not condone the illegal use or reproduction of copyrighted materials in any form. It is the intent of the District to adhere to the provisions of the United States Copyright Act and to Congressional guidelines, as set forth in the accompanying administrative guidelines on copyright.

An Overview of Copyright Issues (see Form 2531 F1 and Form 2531 F2)

A. What is protected by copyright law?

Works that may be protected by copyright include literary works, musical works, dramatic works, pictures, graphics, sculptures, films, videotapes, sound recordings, and computer programs. Copyright protection does not extend to ideas, facts, slogans, symbols, procedures, methods, or systems. U.S. Government publications are not protected, unless they contain a notice stating otherwise.

B. What is prohibited by copyright law?

The exclusive rights of a copyright owner include reproduction, adaptation, publication, performance, and display.

Violating any of the exclusive rights of a copyright owner is infringement, and the infringer is subject to civil and/or criminal penalties.

C. What is allowed by copyright law?

The Copyright Act provides several exceptions to the general rule prohibiting use of copyrighted material, including the fair use doctrine, the first sale doctrine, exemptions for libraries, and exemptions of certain performances and displays. These doctrines must be applied on a case-by-case basis by the courts, therefore it may be impossible for a lay person to say with certainty that their use falls within one (1) of these exemptions.

This administrative guideline specifically sets forth permissible educational uses of copyrighted material. These guidelines are adapted from more in-depth publications developed and/or adopted by various organizations, as cited herein. For further information, consult these cited references, (internet websites are provided) or consult the system's Copyright Officer.

Do not assume that your use of copyrighted material is "ok" without consulting the accompanying guidelines.

D. What if my intended use isn't allowed under these guidelines?

Get permission!!!

Books & Periodicals[1]

Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher for scholarly research, teaching, or preparing to teach a class:

A. a chapter from a book;

B. an article from a periodical or newspaper;

C. a short story, short essay, or short poem, whether or not from a collective work; or

D. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

Multiple Copies for Students

Multiple copies may be made by or for a teacher for classroom use or discussion; provided that:

A. the copying meets the tests of brevity, spontaneity, and cumulative effect tests as defined in H.R. Rep. No. 94-1476[2] and

B. each copy includes a notice of copyright.

Prohibitions

Notwithstanding any of the above, **the following are prohibited,** unless permission is obtained from the copyright owner:[3]

A. Copying to create or to replace or substitute for anthologies, compilations or collective works.

B. Copying of works intended to be "consumable," including workbooks, exercises, standardized tests, test booklets, and answer sheets.

C. Copying as a substitute for the purchase of books, publishers' reprints or periodicals.

D. Copying directed by higher authority.

E. Copying of the same item by the same teacher each school term.

F. Charging the student more than the actual cost of the photocopying.

Televised Programs/Videotapes

Viewing a Live Television Broadcast During Class Time

A live television broadcast may be viewed by the teacher and students during regularly-scheduled class time, so long as no admission is charged, either directly or indirectly.

Taping Television Broadcasts for Later Viewing[4]

A. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording.

B. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests.

C. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

In-Classroom Use of a Copyrighted Videotape[5]

In-classroom performance of a lawfully-made copyrighted videotape is permissible under the following conditions:

A. the performance must be by instructors (including guest lecturers) or by students;

B. the performance is in connection with face-to-face teaching activities;

C. the entire audience is involved in the teaching activity;

D. the entire audience is in the same room or same general area;

E. the teaching activities are conducted by a non-profit education institution;

F. the performance takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium or workshop; and

G. the videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.

Music[6]

Permissible Uses

A. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

B. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than ten percent (10%) of the whole work. The number of copies shall not exceed one (1) copy per student.

C. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

D. A single copy of recordings of performances by students may be made or evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

E. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

Prohibitions

A. Copying to create or replace or substitute for anthologies, compilations or collective works.

B. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

C. Copying for the purpose of performance, except for emergency copying, as described above.

D. Copying for the purpose of substituting for the purchase of music, except described under permissible uses A and B above.

E. Copying without inclusion of the copyright notice that appears on the printed copy.

Performance and Display

Performance or Display and Face-to-Face Teaching Activities

Any copyrighted work may be performed or displayed as part of face-to-face teaching activities, if the performance takes place in a classroom or similar place of instruction, such as a school library; and the performance or display is directly related to the curriculum and not connected with recreation or a reward.[7]

Treating a class to a movie unrelated to course content requires obtaining permission.

A nondramatic literary or musical work may be performed even if it is not part of face-to-face teaching activities, if the performance is live and is not for commercial gain. Nondramatic works include choral works and poetry reading.

The transmission of a performance of a nondramatic literary or musical work or display of a work without obtaining a public performance license is permitted if:

A. the copyrighted work is singing a song, reciting a poem, reading a short story out loud, or displaying paintings;

B. the performance is a "regular part of systematic instructional activities" and "directly related and of material assistance to the teaching content;" and

C. the transmission is made for reception in a classroom or similar place of instruction.

Performance or display of dramatic works, such as plays, movies, are prohibited unless permission is obtained from the copyright owner[8].

Note: Digital distance education and transmission of copyrighted works over today's digital networks is currently a very controversial area. Contact the local Copyright Officer for up-to-date guidelines.

Computer Programs

License Restrictions

If a computer program is licensed, refer to the license agreement. Statutory Fair Use exemptions[9] can be overridden by license restrictions. This stresses the need to review and abide by the **terms and conditions** of license agreements, especially clauses relating to permitted uses, prohibited uses, restrictions, and copying limitations. By installing or using a licensed software product, you are legally bound by its agreement.

Typical license restrictions include:

A. An archival (backup) copy of a copyrighted program may be made if:

1. only one (1) copy is made;

2. the archival copy is stored; and

3. copyright notice appears on the copy.

B. If only one (1) program is owned under license**, it may only be used on one machine at a time**.

C. A single program may **not** be loaded into a computer that can be accessed by several different terminals for simultaneous use.

D. If the computer is capable of being used by another to make a copy of the program, a warning should be posted on the computer, such as the following:

Many computer programs are protected by copyright. 17 U.S.C. 101. Unauthorized copying may be prohibited by law.

A Statement on Use of Copyrighted Computer Programs (Software) in Libraries -- Scenarios, adopted by the Conference on Fair Use (CONFU), illustrates many uses of computer programs.[10]

In certain circumstances, negotiating objectionable terms with the publisher may be recommended (although with consumer "shrinkwrap" agreements, this may not be possible).[11]

Digital Images and Databases[12]

Images that are readily available in usable digital form for purchase or license at a fair price should not be digitized for addition to an institutional image collection without permission.

Exception for Spontaneous Use

If the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission, teachers and students may digitize lawfully acquired images to support the permitted educational uses described below. Images digitized for spontaneous use do not automatically become part of the institution's image collection. Permission must be sought for any reuse of such digitized images or their addition to the institution's image collection.

Time Limitations on Use of Digital Images

A. Images digitized from a **known** source and **not readily available** in usable digital form for purchase or license at a fair price may be used for one (1) academic term.

B. Where the copyright owner of an image is **unknown**, a digitized image may be used for up to three (3) years from first use, provided that a **reasonable inquiry** is conducted to identify and locate the copyright owner.[13]

Subject to the Above Guidelines, the Following Uses are Permitted:

A. Use by Teachers in the Classroom

1. An educator may display digital images for educational purposes, including face-to-face teaching of curriculum-based courses, and research and scholarly activities at a non-profit educational institution.

2. An educator may compile digital images for display on the institution's secure electronic network to students enrolled in a course given by that educator for classroom use, after-class review, or directed study, during the semester or term in which the educator's related course is given.

B. Use by Teachers at Conferences of Their Peers

Educators, scholars, and students may use or display digital images in connection with lectures or presentations in their fields, including uses at non-commercial professional development seminars, workshops, and conferences where educators meet to discuss issues relevant to their disciplines or present works they created for educational purposes in the course of research, study, or teaching.

C. Use of Images for Publications

These guidelines do not cover reproducing and publishing images in publications, including scholarly publications in print or digital form, for which permission is generally required. Before publishing any images under fair use, even for scholarly and critical purposes, scholars and scholarly publishers should conduct the four-factor fair use analysis.

D. Use by Students

1. A student may use digital images in an academic course assignment such as a term paper or thesis, or in fulfillment of degree requirements.

2. A student may publicly display their academic work incorporating digital images in courses for which they are registered and during formal critiques at a nonprofit educational institution.

3. A student may retain their academic work in their personal portfolios for later uses such as graduate school and employment applications.

Databases

Generally, the information made available to researchers from commercial online and CD-based electronic databases is copyrighted. Read the terms and conditions for a database before using or downloading.

Multimedia Projects[14]

Caution in Downloading Material From the Internet

Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

Permitted Uses

Students may perform and display their own educational multimedia projects for the course for which they were created and may use them in their own portfolios as examples of academic work.

Educators may perform and display their own education multimedia projects for face-to-face instruction, assigning to students for directed self-study, peer conferences, and professional portfolios.

For remote instruction over a secure network, certain restrictions apply.[15]

Limitations

A. Time

Educators may use their projects for teaching courses for two (2) years. Use beyond that time period requires obtaining permission for each copyrighted portion.

B. Portion

The amount of the copyrighted work that can be used is generally specified "in the aggregate," meaning the total amount that can be used from a single copyrighted work.

C. Motion Media

Up to ten percent (10%) or three (3) minutes, whichever is less, from a single copyrighted work.

D. Text Material

Up to ten percent (10%) or 1000 words, whichever is less, from a single copyrighted work. Special limitations are placed on poems.

E. Music, Lyrics, and Music Video

Up to ten percent (10%), but in no event more than thirty (30) seconds, of the music and lyrics from an individual musical work.

F. Illustrations and Photographs

No more than five (5) images by an artist or photographer. From a published collective work, no more than ten percent (10%) or fifteen (15) images.

G. Data Sets

Up to ten percent (10%) or 2500 fields or cell entries from a database or table.

H. Copying and Distribution

There may be no more than two (2) copies, only one (1) of which can be placed on reserve. An additional copy may be made for preservation (backup) purposes.

Libraries[16]

Library Videotape Guidelines

In-Library Use of a Copyrighted Videotape

A. When a videotape purchase is made by the library, the vendor should be made aware of the library's intended use of the videotape. Even if a videotape is labeled "For Home Use only," private viewing in the library should be considered to be authorized by the vendor's sale to the library if the vendor knew of the library's intended use of the videotape.

B. Permission is required for public viewing of a videotape in a library, unless the requirements for classroom use are met.[17]

C. Notices should be posted on video recorders or players used in the library to educate and warn patrons about the existence of the copyright laws. An acceptable notice includes the following:

Many videotaped materials are protected by copyright. Unauthorized copying may be prohibited by law. 17 U.S.C. 101.

Loan of Videotapes

A. Videotapes labeled "For Home Use Only" may be loaned to patrons for their personal use. They should not knowingly be loaned to groups for public performances.

B. Copyright notices on the label of a videotape should not be obscured.

C. Nominal user fees may be charged.

D. If a patron inquires about a planned performance of a videotape, s/he should be informed that only **private** uses of it are lawful.

E. Video recorders may be loaned to a patron without fear of liability even if the patron uses the recorder to infringe a copyright.

F. A notice should be posted on equipment that may potentially be used for copying to discourage unauthorized reproduction.

Duplication of Videotapes

Libraries may duplicate videotapes under limited circumstances.[18]

Third Party Use of School Facilities

A. Libraries that allow groups to use or rent their public meeting rooms should, as part of their rental agreement, require the group to warrant that it will secure all necessary performance licenses and indemnify the library for any failure on their part to do so.

B. If patrons are allowed to view videotapes on library-owned equipment, they should be limited to private performances, *i.e.,* one (1) person, or no more than one (1) family, at a time.

C. User charges for private viewing should be nominal and directly related to the cost of maintenance of the videotape.

Library Copying Guidelines[19]

Non-Digital Works[20]

A. Notice

A notice of copyright should appear on each print and electronic copy reproduced. If the original work contains a notice of copyright, that notice should appear on the copy. If the original work does not contain a notice of copyright, the copy should include a legend such as "This work may be protected by copyright; further reproduction and distribution in violation of United States copyright law is prohibited."

B. Copying from the Library's Own Collection

To satisfy a user's request, a library may make a photocopy or other printed copy of a printed work such as an article, a chapter or portions of other copyrighted works.

C. Electronic Copies of Printed Works

To satisfy a user's request, a library may scan an article from a periodical issue, a chapter, or portions of other copyrighted works and provide an electronic copy to the user in lieu of a photocopy. Because the copy must become the property of the user, the library may not retain the scanned image. A copy may be faxed or otherwise transmitted electronically to the user, but the library should destroy any temporary copy made incidental to the transmission. In other words, an incidental copy made to facilitate transmission is a fair use, as long as that copy is not retained.

Digital Works

A. Printed Copies of Digital Works

To satisfy a user's request, a library may print a copy of an article, a chapter, or portions of other copyrighted works, **unless prohibited or otherwise restricted by the terms of a valid license agreement**.[21]

B. Electronic Copies of Digital Works

To satisfy a user's request, a library may download a copy of an article, a chapter, or portions of other copyrighted works and forward it electronically to the user, **unless prohibited or otherwise restricted by the terms of a valid license agreement.**

Copies For Archival or Preservation Purposes[22]

A. A library may make up to three (3) copies of an **unpublished** work for purposes of preservation, including copies in digital form, if that format is not made available to the public.

B. A library may make up to three (3) copies of a **published** work to replace a damaged, deteriorating, lost, or stolen work, if a replacement copy cannot be obtained at a reasonable cost.

C. A library may make up to three (3) digital copies of a published work that is an obsolete format, if that format is not made available to the public.

Interlibrary Photocopying[23]

The **rule of five -** within any calendar year, a library may receive no more than five (5) photocopies of articles from a periodical title less than five (5) years old.

Giving Credit to Copyright Owners

Always give proper credit to authors or other copyright owners. Crediting the source must adequately identify the source of the work, giving a full bibliographic description including author, title, publisher, and place and date of publication. Copyright ownership information should include the copyright notice (©), year of first publication, and name of copyright holder.

Always include the notice of copyright present in the original work. The following is a satisfactory notice:

Notice: This material may be protected by copyright law

See CONFU Guidelines for Educational Multimedia, Appendix J, Section 6.2 for more detailed instructions regarding the placement of credit and copyright notice information in Multimedia projects.[24]

If alterations have been made in the copyrighted material, this should be noted in the credits.

Obtaining Permission For Use of Copyrighted Material

Questions concerning copyright procedures, including fair use, should be addressed to the District Copyright Officer.

Employees must obtain permission for any use of copyrighted material that is not a fair use under the above guidelines. To obtain permission, the employee should contact the Copyright Clearance Center, Inc., or the Permissions Department of the copyright holder (usually the publisher).

Copyright Clearance Center, Inc.
222 Rosewood Drive
Danvers, MA 01923
(978) 750-8400
www.copyright.com

To request permission from the publisher, the request must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include the title, author or editor, and edition of materials for which permission is sought; the exact materials to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material; the number of copies to be made; the use to be made of the duplicated materials; the form of distribution; whether or not the copies will be sold; and the process by which the material will be reproduced.

A copy of the written permission granted by the publisher or copyright owner should be forwarded to and maintained by the District Copyright Officer.

A reasonable inquiry must be made to identify and locate the copyright owner. A reasonable inquiry includes, but is not limited to, conducting each of the following steps: (1) checking any information within the control of the educational institution, including slide catalogs and logs, regarding the source of the image; (2) asking relevant faculty, departmental staff, and librarians, including visual resource collections administrators, for any information regarding the source of the image; (3) consulting standard reference publications and databases for information regarding the source of the image; and (4) consulting rights reproduction collectives and/or major professional associations representing image creators in the appropriate medium.[25]

REFERENCES

[1]These guidelines are adapted from H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. 71-72 (1976), available at **http://www4.law.cornell.edu/uscode/17/107.notes.html**

[2]*Id.*

[3]See pg. 14, Obtaining Permission for Use of Copyrighted Material

[4]Adapted from the Music Library Association's "Guidelines for Off-Air Recordings of Broadcast Programming for Educational Purposes," available at **http://www.lib.jmu.edu/org/mla/Guidelines/**

[5]Adapted from the American Library Association's Fact Sheet 7, "Video and Copyright," available at **http://www.ala.org/library/fact7.html**

[6]These guidelines are adapted from H.R. Rep. No. 94-1476, 94th Cog., 2d Sess. (1976), available at **http://www4.law.cornell.edu/uscode/17/107.notes.html**

[7]See pg. 4, In-Classroom Use of a Copyrighted Videotape

[8]See pg. 14, Obtaining Permission for Use of Copyrighted Material

[9]See 17 U.S.C.A. 107 (West 2002) (also known as the "Fair Use Doctrine"); 17 U.S.C.A. 117 (West 2002) (allowing an owner to make a copy of a computer program in certain limited situations); 17 U.S.C.A. 109(b)(2) (West 2002) (also known as the "First Sale Doctrine") (allowing nonprofit libraries to lend computer providing a warning of copyright is affixed to the program (37 C.F.R. 201.24, "Warning of copyright for software lending by nonprofit libraries")).

[10]Final Report of the Conference on Fair Use, CONFU, available at **http://www.uspto.gov/web/offices/dcom/olia/confu/confurep.pdf**

[11]The Association of Research Libraries (ARL) provides guidelines for negotiating license agreements for computer software, available at **http://www.arl.org/scomm/licensing/index.html**

[12]These guidelines are adapted from the Fair Use Guidelines for Digital Images, released by the Conference on Fair Use (CONFU) in 1997 with the endorsement of the U.S. Copyright Office. Portions of the CONFU Guidelines are available at **http://www.uspto.gov/web/offices/dcom/olia/confu/confurep.pdf**

[13]See pg. 15 for a description of what constitutes a "reasonable inquiry"

[14]These guidelines are adapted from the Fair Use Guidelines for Educational Multimedia, released by the Conference on Fair Use (CONFU) in 1997 with the endorsement of the U.S. Copyright Office. The CONFU Guidelines are available at **http://www.uspto.gov/web/office/dcom/olia/confu/confurep.pdf**. They are currently undergoing a trial use and monitoring period.

[15]*Id.* at section 3.2.3

[16]These guidelines are adapted from the American Association of Law Libraries' "AALL Guidelines on the Fair Use of Copyrighted Works by Law Libraries," as revised in 2001, available at **http://copyright.ala.org/library.html**

[17]See pg. 3, Televised Programs/Videotapes

[18]See Library Copying Guidelines, Non-Digital Works, pg. 12

[19]These guidelines are adapted from "AALL Guidelines on the Fair Use of Copyrighted Works by Law Libraries," as revised 2001, available at **http://www.aallnet.org/about/policy_fair.asp**

[20]17 U.S.C.A. 108 provides exemptions for reproduction by libraries. The 1998 Digital Millennium Copyright Act and Sonny Bono Copyright Term Extension Act significantly revised Section 108. The Digital Millennium Copyright Act (DMCA) amends Section 108 (b) & (c) to refer to **digital** copies for the first time. The Sonny Bono Copyright Extension Act amends Section 108(h) to include digital. However, revised digital wording is conspicuously absent from Section 108(a) -- the main part of the statute that covers most library copying for patrons. Therefore, a distinction should be made between digital works and non-digital works for purposes of library copying.

[21]License restrictions can override statutory exemptions. See pg. 6 for a discussion on license restrictions.

[22]These guidelines are adapted from the American Library Association's "Section 108 Photocopying by Libraries and Archives," available at **http://copyright.ala.org/library.html**

[23]For more information about interlibrary photocopying, see the National Commission on New Technological Uses of Copyright Works' "CONTU Guidelines on Photocopying Under Interlibrary Loan Arrangements," available at **http://www.ifla.org/documents/libraries/policies/contu.txt**

[24]Fair Use Guidelines for Educational Multimedia, released by the Conference on Fair Use (CONFU) in 1997 with the endorsement of the U.S. Copyright Office. Portions of the CONFU Guidelines are available at **http://www.uspto.gov/web/offices/dcom/olia/confu/confurep.pdf**

[25]Fair Use Guidelines for Educational Multimedia, released by the Conference on Fair Use (CONFU) in 1997 with the endorsement of the U.S. Copyright Office. Portions of the CONFU Guidelines are available at **http://www.uspto.gov/web/offices/dcom/olia/confu/confurep.pdf**

© Neola 2012

ag2623A

TESTING PROGRAM

2623A - **TESTING PROGRAM**

Purpose of Testing

Testing, like any other element of the District's operation, should have a definite purpose related to District programs or State mandates. No test should be given without first defining its purpose and determining how the results will be used.

SUGGESTED PURPOSES FOR VARIOUS TESTS

A. **Diagnostic Assessments and Achievement Tests**

1. measure a student's progress in achieving District learning outcomes
2. help determine student learning strengths and weaknesses and/or diagnose their causes
3. help assess the effectiveness of a grade level's, school's, or the District's program and/or identify/diagnose educational strengths and weaknesses
4. aid in evaluating curriculum and/or instructional strategies and resources
5. help determine the extent to which a student can perform tasks associated with functional literacy
6. aid in diagnosing problems with literacy task-skills and in providing for appropriate remediation
7. measure the skill in a specific content that is expected at the end of the designated grade
8. measure student comprehension of academic content standards and mastery of related skills for the relevant subject area at each grade, kindergarten through eighth

B. **Intelligence Tests**

measure a student's mental ability as defined by the tests

C. **Readiness Tests**

help determine the appropriate time for a student to begin a learning program

D. **Vocations Interest/Aptitude Tests**

1. help determine a student's interests or aptitudes for comparison with those related to particular vocational fields

2. assist in the vocational counseling of a student

Uses of Test Results

The purpose for giving a test is to use the results to improve learning and to communicate with those concerned about how well a student or group of students are learning.

Administration of State-Required Tests

To the extent required by law, the District shall administer the State-required tests for students in third through eighth and tenth grades in accordance with the schedule established by the State Department of Education and Workforce.

Item Analysis

If test results are to be used effectively, an analysis of the test items usually should be the first step. Such an analysis makes it easier to determine where students are strong and where the weaknesses are so that instruction can be geared accordingly. A proper analysis should provide the kind of knowledge that will not only aid in designing appropriate learning activities but in producing a more reliable assessment and more useful communication to both students and their parents.

Disaggregation of Results

The second step for the effective use of test results would be the disaggregation of scores based upon specific criteria determined by the District. Analyzing scores in this way makes it possible to determine if certain groups of students demonstrate particular academic strengths or weaknesses. Such analysis will aid in designing appropriate learning activities or intervention strategies.

Curriculum and Instruction

Administrators will be responsible for instructing staff on how to use test results to both refine the curriculum and improve instructional strategies and resources. To aid in this process, in-service programs may be necessary to strengthen understanding of how different kinds of tests are designed, how to judge reliability and validity, and how to use test information to diagnose and remediate.

Counseling

Administrators should ensure that teachers and counselors are working cooperatively by sharing information derived from the testing program. The counselors should be using test results and analyses to help students (and their parents) develop a realistic and valid view of their current achievement levels and design and follow through on plans related to both their school and vocational careers. Teachers should also be aware of these plans to help support such plans in the classroom.

Communication with Parents

As one of the important partners in the educative process, it is essential that parents be kept properly informed of standardized test results, particularly those that relate directly to academic achievement. Results will be released by June 30 each year and will be sent via mail or email or, alternatively, will be posted to a secure portal that families can access on the District's or school's website. In communicating with parents, particularly with regard to standardized tests, the following guidelines should be observed:

A. Test results should be provided in context, that is, with the purpose of the test(s) clearly stated and the student's measurement compared to standards.

B. Make sure parents are aware of the relationship between the test's purpose and the goals of the particular program of which the test is a part.

C. Communicate what the test is designed to measure as well as what it does not attempt to measure.

D. Seek questions, provide or obtain reliable answers, and, if the parent is not satisfied with the answer(s), refer the question to the next level of authority.

Use in Remediation and Promotion/Retention (see Form 2623A F1)

A. Intervention services shall be provided to students who score below the basic range on an achievement test.

B. Test results will be used by all classroom teachers to identify and implement instruction appropriate to the needs of students.

C. Test results may be used by administrators and/or guidance personnel in making instructional placement decisions regarding particular students, except that unless expressly authorized by State law, a student's failure to attain a specified score on any state-mandated, statewide assessment test shall not serve as a factor in any decision to deny the student promotion to a higher grade level.

D. Intervention shall continue until students attain a score at or above the basic range on an achievement test.

E. Special area teachers shall assist regular classroom teachers in the identification of individual student needs and in accommodating instruction to the intervention needs of identified students.

F. Textbooks and other instructional materials appropriate to the intervention needs of students should be identified and correlated to the adopted courses of study and to the Ohio Academic Content Standards.

© Neola 2024

ag2623C

PARTICIPATION OF STUDENTS WITH DISABILITIES IN GENERAL STATE AND DISTRICT-WIDE ASSESSMENTS

2623C - **PARTICIPATION OF STUDENTS WITH DISABILITIES IN GENERAL STATE AND DISTRICT-WIDE ASSESSMENTS**

A. Students with disabilities as defined under Federal and State law are to be included in general State and District-wide assessment programs with appropriate accommodations and modifications in the administration of such assessments, if necessary. Alternate assessments shall be conducted for any student with disabilities who does not take one or more assessments. (see Form 2623C F1) To the extent possible, a student's individualized education program (IEP) shall not excuse the student from taking a test unless no reasonable accommodation can be made to enable the student to take the test.

The determination of participation in each assessment by each student with a disability shall be made annually by the appropriate IEP or 504 Team. The IEP or 504 Accommodation Plan shall include a statement of any individual modifications in the administration of general State or District-wide assessments of student achievement that are needed in order for the child to participate in the assessment.

If the IEP or 504 team determines that the child will not participate in a particular State or District-wide assessment of student achievement, or part of such an assessment, they shall include on the IEP or 504 Accommodation Plan, a statement of:

1. 1. why the assessment is not appropriate for the child; and

2. 2. how the child will be assessed.

These requirements do not apply to any students with disabilities who are convicted as adults and in adult prisons.

Consistent with State and Federal laws and regulations, parents will be involved in the decision to exempt students with disabilities.

Documentation of a decision to excuse or not to excuse a student with a disability will be kept in the student's confidential file.

Accommodation in assessment format and/or assessment administration may be made in accordance with guidelines provided in accordance with A.C. 3301-13-03 accommodate the needs of individual students with disabilities.

No accommodation shall be made in the content or structure of any assessment.

B. Assessment results for students with disabilities will be included in District and/or building annual reports to the extent required by State and/or Federal laws and regulations.

ag2623D

STANDARDS RELATIVE TO THE ETHICAL USE OF ASSESSMENTS BY STAFF

2623D - **STANDARDS RELATIVE TO THE ETHICAL USE OF ASSESSMENTS BY STAFF**

It is the District's intent to verify that staff members comply with the State Department of Education's guidelines for the ethical use of assessments. These guidelines are designed to provide guidance for determining whether or not a practice related to the assessment of students is consistent with the principle that a staff member perform his/her responsibilities with honesty and integrity and that only reliable and valid inferences are made from the assessment results.

In addition to assuring that any and all assessment security provisions are complied with, the District Test Coordinator (DTC) and the Building Test Coordinators (BTCs) shall be responsible for monitoring practices related to:

A. preparing students for assessments;

B. administering and scoring assessments;

C. interpreting and/or using assessment results;

D. reporting assessment results.

All appropriate District staff shall have knowledge of these standards of ethical assessment practice and the DTC and BTCs shall monitor the practices of District staff for compliance with these standards. The District shall require annual written communication to all designated staff regarding:

A. the standards defining what is an unethical and/or inappropriate practice according to law, as well as standards of ethical assessment practice;

B. the definition of how the standards will be monitored, what sanctions shall apply for any violations of the standards, and under what circumstances such sanctions will apply;

C. the purpose(s) for each assessment;

D. security procedures established for each type of secure assessment as established by Administrative Code;

E. information and training as may be necessary to provide that staff have the knowledge and skills necessary to make ethical decisions related to:

1. preparing students for an assessment;

2. administering and/or scoring an assessment; and

3. interpreting and/or using any results of an assessment;

F. written procedures for reviewing what materials and practices shall be used to prepare students for an assessment, administering and/or scoring an assessment, and/or interpreting and/or using any result of an assessment; and

G. channels of communication that allow teachers, other educators, students, parents, and/or other members of the community to voice concerns about assessment practices.

The DTC shall be responsible for investigating any complaint, allegation, and/or concern about an unethical and/or inappropriate practice, protecting the rights of affected individuals, and verifying the integrity of an assessment and any result of an assessment. A report of all such complaints and findings of investigation shall be filed promptly with the Superintendent.

Unethical or Inappropriate Practices in Preparing Students for Assessments

When preparing students for annual assessments, staff members shall refrain from engaging in any:

A. preparation activity that undermines the reliability and/or validity of an inference made from the result of an assessment;

B. preparation practice that results solely in raising scores or performance levels on a specific assessment, without simultaneously increasing a student's achievement level as measured by other tasks and/or assessments designed to assess the same content domain;

C. practice involving the reproduction of any secure assessment materials, through any medium, for use in preparing a student for an assessment;

D. preparation activity that includes a question, task, graph, chart, passage or other material included in an assessment, and/or material that is a paraphrase or highly similar in content to what is in an assessment;

E. preparation for an assessment that focuses primarily on the assessment, including its format, rather than on the objectives being assessed;

F. any preparation practice that does not comply with, or has the appearance of not complying with, any statutory and/or regulatory provision related to security of assessment; and

G. any practice that supports or assists others in conducting unethical or inappropriate preparation activities.

Unethical or Inappropriate Practices in Administering and Scoring Assessments

Unless specifically permitted by written instructions provided by the developer or as provided through an individual education program (IEP), when administering and/or scoring annual assessments, staff members shall refrain from:

A. using an assessment for purposes other than that for which it was intended;

B. engaging in a practice that results in a potential conflict of interest for, or one that exerts undue influence on a person administering and/or scoring an assessment, either making or appearing to make an assessment process unfair to some students;

C. except for accommodations and/or alternate assessments expressly permitted under Administrative Code, any change in procedures for administering and/or scoring the assessment that results in nonstandard and/or delimiting conditions for one (1) or more students;

D. engaging a practice that allows a person without sufficient and appropriate knowledge and skills and/or training to administer and/or score an assessment;

E. engaging in any administration and/or scoring practice that may produce a result contaminated by factors not relevant to the purposes of an assessment;

F. excluding one (1) or more students from an assessment solely because the student has not performed well, or may not perform well, on the assessment and/or because the aggregate performance of a group may be affected;

G. any practice immediately preceding and/or during an assessment including, but limited to the use of a gesture, facial expression, body language, language, or any other action and/or sound that may guide a student's response;

H. except for the directions for administration as prescribed by the test developer and/or ODE, any practice such as providing to a student immediately preceding and/or during administration of an assessment, any definition and/or clarification of the meaning of a word or term contained in an assessment;

I. any practice that corrects or alters any student's response to an assessment either during and/or following the administration and/or scoring of an assessment; and

J. supporting or assisting any person in unethical or inappropriate practices during the administration and/or scoring of an assessment.

Unethical or Inappropriate Practices in Interpreting and Using Results

When interpreting and/or using any result of an assessment, staff members shall refrain from:

A. providing interpretations of, and/or using, any result of an assessment in a manner and/or for a purpose that was not intended;

B. making false, misleading, or inappropriate statements and/or unsubstantiated claims that may lead to false and/or misleading cone staff, s/he may be subject to loss of certification/licensure and/or dismissal from the District. If the violator is a volunteer, s/he may be immediately released from his/her volunteer services with the District.

The DTC shall make the decision whether or not to invalidate the student's test score on each test that was violated or all of the tests. Within ten (10) days of the violation, the DTC is to notify the State Department of Education concerning the nature of the violation and the action that was taken against the violator.

Staff members shall be provided with this guideline prior to the beginning of each test administration period and shall be required to acknowledge receipt of this guideline on an annual basis.

© Neola 2014

PROGRAM

Contents

ag2623.02

MID-YEAR PROMOTION FOR THIRD GRADE STUDENTS RETAINED DUE TO PERFORMANCE ON ENGLISH LANGUAGE ARTS ASSESSMENT

2623.02 - **MID-YEAR PROMOTION FOR THIRD GRADE STUDENTS RETAINED DUE TO PERFORMANCE ON ENGLISH LANGUAGE ARTS ASSESSMENT**

A student retained under the provisions of the Third Grade Reading Guarantee, and in accordance with Board Policy 2623.02, that demonstrates that they are reading at or above grade level, in accordance with the provisions of Policy 5410 - Promotion, Academic Acceleration, Placement, and Retention, will be considered for mid-year promotion. Such action shall be considered in consultation with the parent/guardian and the Student Intervention Team and with the concurrence of the building principal.

Using curriculum-based measures, the student must also demonstrate at or near grade level performance in all other academic subjects, other than reading, such that the Superintendent, in consultation with teachers, determines in the Superintendent's sole discretion that the student is academically prepared for the curriculum at the mid-year fourth grade level.

A student who is promoted mid-year to fourth grade will take State tests for fourth grade in all subject areas.

A student will not be eligible for mid-year promotion after the start of the fourth quarter in any school year without the approval of the Superintendent and the building principal.

A parent has the right to appeal the decision about their child's promotion, placement, or retention in accordance with the procedures included in Board Policy 5410 - Promotion, Academic Acceleration, Placement, and Retention.

© Neola 2024

ag2626A

ANALYZING A TEST ITEM

2626A - **ANALYZING A TEST ITEM**

When working with this analysis procedure, refer to Form 2626A F1 - Analyzing a Test Item (Example) and Form 2626A F2 - Worksheet for Analyzing a Test Item.

Step One

Considering the nature of the test and section in which the item is found, and the wording of the item, including both stem and foil, what is the item really testing?

A. What, if any, discrete bits of knowledge are being tested?

B. What, if any, specific operations are being tested?

The result of answering this question would be a clear understanding of the essence of the question, the knowledge or skill issue it is addressing.

Step Two

Why is it important that the student possess this particular knowledge or be able to perform this specific operation?

A. Why is it important for success in future learning/schooling?

B. Why is it important for life outside of school?

The result of asking and answering this question should:

A. determine the importance - or lack of importance - of the knowledge and skills being tested;

B. suggest the priority for ensuring student development of such knowledge and skills in the curriculum;

C. provide ideas that can be used to help motivate students in their learning.

Step Three

What discrete items of knowledge and information are needed?

A. What special definitions or concept label meanings are required?

B. What bits or factual information must be recalled or recognized?

C. What rules or conventions must the student recall?

For each of the above, when, where, and how are they taught, developed, and confirmed in the current course of study?

Step Four

What specific skill-related operations are required?

For each, when, where, and how are they taught, developed, and confirmed in the current course of study?

The result of answering this question should be both a list of skill related-operations needed and identification of where in a course of study, if at all, each is taught, developed, and confirmed.

© Neola 2002

ag2626

PROCEDURE FOR ANALYZING TESTS

2626 - **PROCEDURE FOR ANALYZING TESTS**

The following guidelines - AG 2626 and AG 2626A - will be useful in conducting an analysis of test sections and test items in order to determine the pre-requisite knowledge and skills the students must have in order to score well on a test or to properly complete a test item. The results of an analysis should assist staff in preparing intervention activities that focus on the particular weaknesses in knowledge or skill identified in the analysis.

This procedure is applicable to any standardized test to which staff has access to the test itself. In those cases where the staff is not allowed access to the test, an analysis can be done of the sample test items that are usually available from the State or the test-maker.

Teachers should also find this analysis procedure helpful in either analyzing items on teacher-made tests or in constructing test items to measure particular understandings or skills.

When working with this analysis procedure, refer to Form 2626 F1 - Analyzing a Test Section (Example) and Form 2626 F2 - Worksheet for Analyzing a Test Section.

ANALYZING A SECTION OF A TEST

Step One

Considering the title, if any, the instructions, and the kinds of items found in the samples and/or in the section, what particular areas of knowledge and/or skill is this section evaluating?

A. What do the words in the section instructions really call upon the student to do?

B. What area of competency do the samples and items in the section relate to?

The result of asking and answering this question should be a clear mental picture and, if required, written description of the particular aspect of the broad area (a test topic such as "Word Analysis" or "Mathematics Concepts and Applications" is being tested in the section.

Step Two

Why is it important for students to have the knowledge and skills being tested in this section?

A. How will competence in this area affect the student's success in learning or in school?

B. How will competence in this area affect the student's life outside of school?

The result of asking and answering this question should:

A. determine the importance - or lack of importance - of the knowledge and skills being tested;

B. suggest the priority for ensuring student development of such knowledge and skills in the curriculum;

C. provide ideas that can be used to help motivate students in their learning.

Step Three

What specific kinds of knowledge do students need in order to be competent in this particular area?

A. Identify each kind of knowledge?

B. For each kind, where, when, and how in the current course of study is it taught, developed, and confirmed?

The result of asking and answering this question should be both a list of specific knowledge students need to be competent in this particular aspect of the broad area and a clear picture of current practices in teaching, developing, and confirming understandings. When analyzed after student performance has been evaluated, the result should also include a clear understanding of current practices to be continued and expanded on and current practices to be changed.

Step Four

What specific skills do students need in order to be competent in this particular area?

A. Identify each type of skill.

B. For each skill, when, where, and how in the current course of study is it taught, developed, and confirmed?

The result of asking and answering this question should be both a list of specific skills needed for competence and a clear picture of current practices in teaching, developing, and confirming these skills. When analyzed after student performance has been evaluated, the result should also include a clear understanding of current practices to be continued and expanded on and current practices to be changed.

If the analysis is done after student test performance has been evaluated and it has been discovered that:

A. students did particularly well in this particular section - what is there about the when, where, and how taught that probably contributed to student success and should be applied elsewhere?

B. students achieved below expectations on this section - what is there about the when, where, and how taught that probably contributed to poor student performance? What changes are indicated?

ag3111A

CREATING A POSITION

3111A - **CREATING A POSITION**

The Board of Education has reserved the right, in its discretion, to create new positions and specify the number of professional staff members in each category. In compliance with that policy the Board has adopted the following guidelines for the creation of a District position:

A. Each position shall be preceded by the preparation of a job description for the new position.

B. The title of the new position shall be the same as the title on the license required to hold that position wherever possible.

C. Where the job title does not coincide with the license title, the job description will be sent to the Superintendent for approval.

D. Following Superintendent's approval, a determination will be made as to whether the new job falls within contract guidelines or is discretionary; salary will then be set for the position.

E. The new position will be presented to the Board with a recommendation for adoption.

ag3111B

VERIFICATION OF EMPLOYMENT ELIGIBILITY

3111B - **VERIFICATION OF EMPLOYMENT ELIGIBILITY**

In order to comply with Federal law the following verification of employment eligibility procedures will apply:

Completion of Form I-9

The Treasurer will have the following employees complete Form I-9:

A. Persons hired after May 31, 1987 - Form I-9 must be completed within three (3) business days of the date of the hire. If an individual is employed for less than three (3) days, the form must be completed before the end of the employee's first working day.

B. Persons hired between November 7, 1986 and May 31, 1987 must have been completed Form I-9 before September 1, 1987.

The following individuals **do not need** to complete Form I-9:

A. persons hired before November 7, 1986

B. persons hired after November 6, 1986, who left your employment before June 1, 1987

C. persons who are employed by a contractor providing contract services

D. persons who are independent contractors

The Treasurer is also responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Preparation of Documents for Inspection

U.S. Immigration and Naturalization Service (INS) or Department of Labor (DOL) Officers are required to give employers three (3) days advance notice before an inspection. The Treasurer will assemble the I-9 forms in preparation for the inspection. Failure to provide the I-9 forms could result in civil money penalties for each employee for whom the Form was not completed, retained, or presented.

Retention of Employee Identification and Social Security Number

The Board will retain a photocopy of either the employee's driver's license or passport showing the employee's identity and valid social security number.

© Neola 2012

ag3120A

SELECTION OF PROFESSIONAL PERSONNEL

3120A - **SELECTION OF PROFESSIONAL PERSONNEL**

A. **Introduction**

1. The Board of Education shall make all appointments to positions on the basis of a person's professional qualifications. To implement the desire of the Board to appoint on the basis of merit only, all those who have responsibility for staffing should search diligently within and outside the system for qualified candidates to fill staff positions.

2. Each position shall have a job description which shall include, but not be limited to, the following information:

    a. the position title

    b. its function

    c. a listing of the responsibilities and authorizations assigned to the position

    d. a description of the reporting and supervisory relationships of the position

B. **Qualifications**

1. The qualities desired beyond the minimum license requirements are:

    a. formal training appropriate to the duties and responsibilities of the particular position;

    b. experience, both quantitative and qualitative, related to the particular position;

    c. demonstrated ability in the particular position;

    d. demonstrated ability to work harmoniously with others, both with those of greater and lesser responsibility and authority;

    e. evidence of high educational and professional standards;

    f. demonstrated loyalty to the administration and other staff where presently employed;

g. evidence of commitment to professional growth;

h. evidence of professional work habits and conduct consistent with the ethics of the profession.

2. Each candidate shall submit the following information in the form requested by the District:

a. personal data, limited to those allowed by law

b. licenses held

c. record of educational and professional training (including transcripts)

d. record of experience applicable to the position, e.g. teaching, counseling, administration, etc.

e. reports from references

C. **Selection Process**

1. Application Procedure

All letters of application and all placement office credentials shall come through the Board Office which will note date of receipt, acknowledge the application (if applications were requested).

a. It shall file those of promising candidates, and arrange for an investigation and possible interviews.

b. It shall send the applications to the appropriate principal for filing.

2. Investigation Procedure

a. Checking of credentials should include, in addition to letters of reference, direct telephone calls to the person's recent supervisor(s) or employer.

(See AG 3120D) Such information shall be maintained in a confidential file restricted to supervisory and official use only so as to protect the source(s) of the information and the privacy of the applicant.

b. A biographical sketch is compiled which outlines in brief the candidate's training and experience and other pertinent qualifications.

c. All necessary licenses, training, and experience is documented.

d. Pre-employment tests which are directly related to the position responsibilities may be administered, if applicable.

3. Interview Procedure (Not for Principals or Central Office Positions)

    a. Upon receipt of all relevant information, applications will be routed to the appropriate administrator for review.

    b. The administrator shall independently review the applications and then reach consensus on the applicants to be interviewed. The administrator shall then determine which, if any, members of the staff will be included in reviewing applications and the interviews. Prior to any interviews, a copy of AG 3120C is to be given to each interviewer.

    c. After all interviews have been completed, the administrator submits the recommended candidate to the Superintendent who will conduct the final interview and make the selection of the person to be recommended to the Board. Prior to the recommendation, a criminal history record check will be initiated after the candidate submits a set of fingerprints and pays the investigation fee.

    d. Both successful and unsuccessful candidates shall be notified of the District's employment decision.

    During all phases of all screening, interviewing, and selection process, the Equal Opportunity Employment Policy 3122 shall be adhered to by all personnel involved.

D. **Employment Procedure**

1. After the Superintendent's approval, and with Board acceptance, the Superintendent shall make an offer of employment and remuneration and, upon acceptance by the successful candidate, initiate a contract or memorandum of employment which will include:

    a. terms of employment including wages;

    b. length of contract;

    c. fringe benefits;

    d. job title and person to whom responsible;

2. Upon acceptance, the new staff member shall report to the Treasurer's Office to fill out withholding tax, insurance, and any other necessary forms.

3. All documents concerning employment shall be attached to the application and filed in the Board Office. (See AG 8320 - Personnel Records)

4. The new staff member is to be properly oriented by his/her supervisor in accordance with the checklist on Form 3120 F1.

Upon employment, the Treasurer shall be responsible for submitting a copy of the W-4 Form (or the form provided by the Department) to the Department of Human Services for each new employee, or any person who is rehired or returns to work after a lapse in pay.

Any new employee who has either administrative responsibilities and/or supervisory functions with staff is to be provided with a copy of the Ohio Ethics Law and verify receipt by signing and returning Form 3120 F3.

ag3120B

APPOINTMENT OF PERSONNEL TO COMPENSATED CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES

3120B - **APPOINTMENT OF PERSONNEL TO COMPENSATED CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES**

In addition to the conditions specified in Policy 3120.08 or the terms of a current negotiated, collectively-bargained agreement, as openings occur they shall be posted in appropriate locations in the District and, if necessary, the community prior to the application deadline.

The following guidelines shall apply:

A. Applications for co-curricular and nonathletic, extra-curricular activities are to be made in writing to Board Office.

B. Applications for athletic activities are to be made in writing to Board Office.

With the assistance of the appropriate building administrator(s), the Superintendent shall recommend all appointments to the Board annually.

Prior to the employment of any individual whether licensed/certificated or non-licensed/non-certificated, the Superintendent shall also verify that each person to be recommended as the advisor or coach of a student activity involving athletics, routine/regular physical activity, or health or safety considerations (e.g., an activity in which the nature of the activity creates a likelihood that students could injure themselves) has:

A. met the requirements of State regulation 3301-20-01, which sets forth the rules for consideration of the employment of individuals with certain criminal convictions;

B. demonstrated that s/he is competent to direct, supervise, or coach a student activity, which shall be determined by:

1. evidence of successful experience that the individual has demonstrated the ability to work effectively with students;

2. evidence of substantive knowledge of the student activity;

3. knowledge of applicable District rules and regulations;

C. obtained a pupil-activity program permit issued by the State Board of Education;

D. provided evidence (i.e., valid documentation) of successful completion of an approved training course in cardio-pulmonary resuscitation and one (1) of the following as required by State regulation 3301-27-01 and approved by the Ohio Department of Education:

1. a nationally recognized first-aid training program (as designated on the approved list provided by the Ohio Department of Education);

2. a four (4) hour first-aid training course; or

3. a college or university course on the health and safety of participants in a student activity program;

E. passed a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation.

The building administrator responsible for the supervision of the staff member's regular assignment shall notify the appropriate principal if this extra assignment may, in any way, affect the quality of his/her regular assignments.

© Neola 2013

ag3120C

PRE-EMPLOYMENT INTERVIEW QUESTIONS

3120C - **PRE-EMPLOYMENT INTERVIEW QUESTIONS**

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the District. The following guideline outlines the questions that are appropriate and those that should be avoided.

YOU CANNOT ASK:

A. any question that would indicate race or color of applicant or applicant's relatives;

B. any question that would indicate gender, unless job-related;

C. applicant's religion or religious customs and holidays; recommendations from church officials;

D. place of birth; if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring (proof of citizenship required on I-9 Form); length of residency in U.S.;

E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

F. to see military service records; about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, convictions, or pending charges;

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics that do not relate directly to the job specifications, past or current medical conditions not directly related to job specifications;

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligation; type of military discharge;

P. inquires about age (other than whether applicant is eighteen (18) years of age).

YOU CAN ASK:

A. for applicant's current and previous address; (unless designed to determine foreign address indicating place of birth); phone number; length at current address;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

G. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

H. willingness to perform job functions;

I. willingness to work required work schedule and under prescribed working conditions.

AFTER HIRING, YOU MAY OBTAIN:

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

© Neola 2016

ag3120D

CHECKING REFERENCES OF APPLICANTS

3120D - **CHECKING REFERENCES OF APPLICANTS**

The following procedure is to be used when conducting a check of references submitted by an applicant:

A. Review the references with the applicant to ensure that those submitted are people with whom the applicant has worked on a regular basis either in a job setting or an academic setting or both. For administrators, it is important to have references from superintendents and board members with whom the applicant worked. Make sure the references have worked with the applicant within the last three (3) to five (5) years. Determine from the reference if other people who worked with the applicant are available to provide information concerning suitability for the job.

B. Make telephone (not mail) contact with at least three (3) references. (see Form 3120D F2)

C. Prior to contacting the reference, review AG 3120C regarding questions not to ask.

D. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire _____ again?" or "would you want to work with _____ again?". Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.

E. Take notes of each reference contact. Maintain a written summary of the comments for later use.

ag3120E

EMPLOYMENT OF PERSON CONVICTED OF A CRIME

3120E - **EMPLOYMENT OF PERSON CONVICTED OF A CRIME**

A candidate for employment who has been convicted of a crime may be employed only if all of the following conditions exist:

A. The offense was a misdemeanor; (no former felon is ever eligible)

B. The victim was not under eighteen (18) years of age;

C. At least five (5) years have passed since the candidate was fully discharged from imprisonment or probation or had his/her conviction sealed in accordance with R.C. 2953.32;

D. The candidate provides written confirmation from a court or counselor that s/he has been rehabilitated;

E. The candidate's employment will not jeopardize in any way the health, safety, or well-being of fellow staff members, students, the administration, or parents and visitors.

The following factors are to be considered prior to making an employment decision:

A. age at the time of the misdemeanor

B. age and ability of the victim

C. nature and seriousness of the misdemeanor

D. circumstances under which the misdemeanor was committed

E. the degree to which the candidate participated in the misdemeanor

F. time lapsed since discharge from imprisonment or probation

G. likelihood that circumstances that lead to the misdemeanor will reoccur

H. whether the candidate is a repeat offender

I. the extent to which the position provides an opportunity for commission of a class one misdemeanor or a felony

J. the candidate's previous employment record

K. the candidate's rehabilitation efforts and the success of those efforts

L. whether any criminal proceedings are pending against the candidate

© Neola 2012

ag3120F

INTERVIEWING AND EVALUATING CANDIDATES FOR CLASSROOM TEACHING POSITIONS

3120F - **INTERVIEWING AND EVALUATING CANDIDATES FOR CLASSROOM TEACHING POSITIONS**

Evaluation is the key to successful hiring. Evaluation involves a number of important steps, each of which is important. Effective evaluation takes time and work and good cooperation and communication among those involved.

A. The first step is developing a clear understanding of exactly what is desired or needed. Gather information about the current status and results of the classes, program, or activities for which you are hiring. Envision them operating in the way and getting the kinds of results most desired. Conclude about the key kinds of knowledge, skills, attitudes, and personality traits a teacher will need to achieve the kinds of results desired.

B. The second step is gathering insight and information about the candidate(s). The evaluator normally has three (3) sources of information and insight: (a) the written application, (b) references, both written and oral, provided by the candidate and solicited by the evaluator, and (c) the interview(s). At times the evaluator will be able to take advantage of a valuable fourth, (d) direct observation of the candidate in a current position. In each case the focus should be on gaining insight into the degree to which the candidate possesses, or shows potential to possess the key factors identified as desired in the first step. The evaluator should also note other abilities or weaknesses not thought about which might substitute for, enhance, or detract from desired ones.

C. The third step is comparing the candidate's abilities and characteristics with the desired ones and determining how good the match is.

D. The fourth step is making a decision about whether the determined match is a good enough one. If there are multiple candidates, a decision should be made about which match is the best. If none are good enough, then the process is continued.

It is as important to ask good follow-up questions as it is to ask good initiating questions at each step of the evaluation procedure. They are important in gaining understanding of current status, in inferring needed qualities and characteristics, and in determining whether or not those are present. Four important kinds of follow-up questions are:

A. *Clarifying Questions* - The evaluator asks clarifying questions when s/he is honestly not sure that s/he understands something. It is better to ask while the person who can answer is still there than to wonder later. Getting specific examples often clarifies what a candidate (or reference) means when s/he uses a term.

You say that you have taught State History before. Was that in this State or while you were teaching in New York?

B. *Expanding or Developing Questions* - When the evaluator needs to know more about something but doesn't want to guide the candidate (or reference) to "say what the evaluator wants to hear", s/he asks broad expanding or developing questions which merely invite the candidate (or reference) to "tell me more about that".

I understand that you have experience with time-out and off-trust procedures. Please tell me more about that experience.

C. *Focus Narrowing Questions* - The evaluator asks narrower focus questions to get the candidate (or reference) to talk about a specific aspect of a topic that bears on a desired quality or characteristic and which the candidate (or reference) did not bring up when asked expanding questions.

What effects, specifically, did you find that the use of the off-trust procedure had on the subsequent behavior of the children?

D. *Reasoning Questions* - Having the candidate (or reference) answer, "Why did you decide to?" or, "What led you to that conclusion?" questions provide information about priorities, attitudes, thinking skills, and quality of supporting evidence.

What was the evidence and thinking that led you to decide that you would be more effective in a suburban district like this?

The same kind of follow-up questions should be asked of all, including the evaluators themselves, involved in steps one, three, and four of the evaluation.

The Interview Process

A. When the interview is scheduled:

1. ensure that there is mutual understanding of time, place, and anticipated duration;

2. provide the candidate with a description of the position to be filled and a copy of the job description for that position. Encourage him/her to be ready to ask for explanations of anything not clear in those documents.

B. Before the interview:

1. review the application and references:

a. noting whether any further evidence of meeting eligibility qualification (e.g. appropriate teaching certificate) is needed;

b. identifying which desired qualities and characteristics are sufficiently demonstrated (or proven to be absent) by the documents;

c. identifying which desired qualities and characteristics will have to be determined by asking follow-up questions or initiating and then follow-up questions;

2. prepare needed memory aids to ensure that information and insight needed will be obtained.

C. The Interview

1. Establish an atmosphere that is businesslike but not intimidating.

2. Provide an overview of the sequence or procedure to be followed, e.g.

I would like to begin by asking some very broad questions to help us think about your basic priorities and procedures. Then I want to ask you some more specific questions about yourself and your strengths and experiences. Finally, I want to give you a chance to expand on anything you want to expand on and ask about anything that isn't clear in the job description, the position, or anything I have said today.

3. Ask broad questions to get insight into the candidate's approach to teaching, priorities, and grasp of effective procedures, e.g.

Based on your experience and your understanding of the position we are talking about please give me your thoughts about the following. If you receive the position, what would you most like to accomplish by the end of the first year? What would you like your class(es) or students to be like by that time?

Ask clarifying, expanding, and narrowing focus questions as needed.

Why would you think that would be the most important thing for you to accomplish?

Ask clarifying, expanding, narrowing focus, and reasoning questions as needed.

How would you go about accomplishing it?

Ask clarifying, expanding, narrowing focus, and reasoning questions as needed.

(Find out if the candidate has a framework or understanding that identifies important outcomes and sees how to put various kinds of knowledge, skills, and motivation together to accomplish them.)

4. Ask questions related to specific desired qualities and characteristics identified as the key or most important ones in the first step of the evaluation process. There will never be time to explore all areas so the interviewer should focus on those most important ones. Use appropriate follow-up questions. Ask:

a. questions relating to specific qualities and characteristics needed for the positions, e.g.

Developing the children's reading skills is an important responsibility in this position. What methods or techniques have you had experience with, and which have you found to be most effective?

b. questions relating to specific qualities and characteristics needed to meet the requirements of the job description, e.g.

You will have the primary responsibility for discipline in the classroom. What would you say are your strengths and, if any, weaknesses in area of discipline?

5. Ask questions related to the position and job description that provide insights into qualities and characteristics that could expand on, substitute for, or detract from desired qualities and characteristics, and appropriate follow-up questions, e.g.

Which, if any, items on the job description or statements about the specific position would you like me to clarify or expand on?

Which ones of them do you feel describe areas in which you are unusually strong?

What, if any, other areas of strength do you have that aren't mentioned in the description but will help you do an effective job?

Which, if any, of the items are areas in which you will need help or are ones you cannot, in good conscience, say you will do your best to meet?

6. Give the candidate an opportunity to ask questions.

What questions would you like to ask me about the community, the school, and/or the position?

D. Immediately after the interview the evaluator should make notes on key information and insights gained. The evaluator should consciously ask himself/herself follow-up questions, especially reasoning ones (What led me to conclude that? Is there sufficient accurate information to support that statement?), when recording insights.

© Neola 2012

ag3120.01

JOB DESCRIPTION

3120.01 - **JOB DESCRIPTION**

After reviewing the job description, the professional staff member shall sign and date one copy of the job description, indicating that s/he has received a copy of it and attesting that s/he was given the opportunity to discuss it with his/her immediate supervisor, and, furthermore, understands that it is his/her responsibility to perform satisfactorily the duties and responsibilities described therein.

This signed copy shall be included in the professional staff member's personnel file.

ag3120.04

EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

A. **Procedures Leading to Appointment**

The TCESC is responsible for maintaining a list of qualified substitutes for all teaching and related positions.

Interested persons are to complete an application form and return it to the TCESC.

1. The investigation and interview procedures described in AG 3120A will be used, as applicable to the position. Each substitute will be required to undergo a criminal history record check as described in AG 3120A.

2. Upon approval of the Superintendent/Board, substitutes' names will be placed on the official substitute list.

   Substitutes also must pass a background check performed by the Bureau of Criminal Identification and Investigation.

B. **In-School Procedures**

Each principal is to develop procedures which ensure each substitute has completed necessary forms; received appropriate instructions, plans, and other resources needed to function properly in the position and the building; and been observed early and regularly in the performance of his/her responsibilities.

C. **Long-Term Substitutes**

A person will be considered a long-term substitute if s/he is appropriately licensed and the staff member for whom s/he has been hired to replace has a leave which extends for more than sixty (60) consecutive school days. The long-term substitute position will be terminated by the end of the school year.

© Neola 2012

ag3120.05

EMPLOYMENT OF SUMMER SCHOOL STAFF

3120.05 - **EMPLOYMENT OF SUMMER SCHOOL STAFF**

When not otherwise specified in the terms of a negotiated, collectively-bargained agreement, the following procedures will hold for selection of staff members for the summer school:

A. An announcement will be made to all staff members listing those positions available, hours required, rate of pay, and procedure for making application.

B. First priority will be given to District professional staff members serving in regular school programs and previous summer school programs.

C. Consideration will be given to people outside of the District only when no qualified District professional staff members are available.

D. Applicants are expected to have obtained the recommendation of their principal or immediate supervisor.

E. Only those candidates who are best qualified to perform the duties of the position shall be recommended for employment.

Summer school staff members also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation.

Summer school assignments will be contingent upon having a minimum enrollment for the courses scheduled. The minimum enrollment for a course shall normally be that number of students necessary to cover the costs of the course.

Summer school assignments do not carry over automatically from year to year. All such positions will be reopened annually.

© Neola 2012

ag3121

CRIMINAL HISTORY RECORD CHECK

3121 - **CRIMINAL HISTORY RECORD CHECK**

New Employees

Prior to making any offer of employment to a new applicant for a professional staff position, whether it be for full-time or part-time employment, the following procedure is to be used:

A. The applicant must be informed either by direct communication or by information on the application form that a criminal history record check must be obtained at the expense of the applicant and submitted at the time of application to the District. The applicant should be told to indicate on the request that the criminal history record check is being required by R.C. 3319.39. (see Form 3121 F1)

B. The prospective employee may submit or ask the District to obtain from the Bureau of Criminal Identification and Investigation (BCII) the results of a criminal history record check conducted by BCII providing the application is within twelve (12) months of the date the check was done.

C. The prospective employee is to submit a set of fingerprints on an authorized format prescribed by the BCII which will also be submitted to the Federal Bureau of Investigation (FBI) for criminal history information.

D. Each request must be accompanied by a check, payable to the Bureau of Criminal Identification and Investigation in the amount stipulated by the BCII. Costs related to obtaining the criminal history record check are to be borne by the applicant.

E. When the certified report is presented by the candidate, a photocopy is to be made for possible insertion in the person's confidential personal file, should s/he be employed, and the original returned to the applicant.

F. The Superintendent shall determine whether or not to consider disqualification of a prospective employee based on the records check.

G. All information received from the records check shall be kept confidential by the person receiving the report and is to be shared only with the Superintendent. If the prospective employee is subsequently employed, the record check shall be kept in his/her confidential file. If not employed, it shall be returned to the prospective employee.

Offenses

No person is to be employed if s/he has been convicted of any of the following offenses:

A. aggravated murder, murder, voluntary manslaughter, involuntary manslaughter

B. felonious assault, aggravated assault, assault

C. failing to provide for a functionally impaired person

D. aggravated menacing

E. patient abuse or neglect

F. kidnapping, abduction, child stealing, criminal child enticement

G. rape, sexual battery, corruption of a minor, gross sexual imposition, sexual imposition, importuning, voyeurism, public indecency, felonious sexual penetration, compelling prostitution, promoting prostitution, procuring prostitution, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of a minor in nudity-oriented material or performance

H. aggravated robbery, robbery

I. aggravated burglary, burglary

J. abortion without informed consent

K. endangering children

L. contributing to the delinquency of children

M. domestic violence

N. carrying concealed weapons, having weapons while under a disability, improperly discharging a firearm at or into a habitation or school

O. corrupting another with drugs

P. trafficking in drugs

Q. illegal manufacture of drugs or cultivation of marijuana

R. funding of drug or marijuana trafficking

S. illegal administration or distribution of anabolic steroids

T. drug possession offenses (that are not a minor drug possession offense)

U. placing harmful objects in or adulterating food or confection

V. a felony

W. an offense of violence

X. a theft offense (as defined in R.C. 2913.01)

Y. a drug offense (as defined in R.C. 2925.01, that is not a minor misdemeanor)

Current Employees

Prior to January 1, 2010, any current licensed professional staff member, as defined in Policy 8141, shall be required to undergo a criminal record check as described above, upon renewal of any license, certificate or permit. After January 1, 2010, a current licensed professional staff member will not be required to undergo a subsequent criminal history records check conducted by BCII if the employee: 1) has previously had a BCII criminal records check (for employment or licensure purposes); and 2) provides proof of continuous Ohio residency for the preceding five (5) years. Under such circumstances, the current licensed professional staff member will only be required to undergo a criminal history records check through the FBI. In the case of a professional staff member holding a permanent teaching certificate, such criminal background check shall occur no less than every five (5) years on or before September 5th of the fifth year.

Waiver

The State Department of Education may waive the requirements of a criminal background check for those professional staff members seeking the issuance or renewal of a license, certificate or permit, who have undertaken such process within the immediately preceding year.

Effect of Guilty Plea and/or Conviction of Enumerated Crimes

Professional staff members determined by virtue of a criminal records check to have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including 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 and described above, or who are otherwise determined to have engaged in conduct unbecoming the teaching profession under certain specific circumstances set forth in Policy 8141, are subject to mandatory State reporting requirements in addition to the initiation of an action by the Board to terminate their employment.

© Neola 2009

ag3122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

This administrative guideline is established to assist in the proper implementation of Policy 3122 and Policy 3122.02.

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), 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.

The District's Compliance Officer shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are suspect and potentially impermissible.

Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the Superintendent's attention.

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Ohio organized militia. 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.

© Neola 2014

ag3122.01

DRUG-FREE WORKPLACE

3122.01 - **DRUG-FREE WORKPLACE**

Purpose

The purpose of the Board's Drug-Free Workplace Program is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances.

All employees are expected to read and understand this Policy/Administrative Guideline. Participation in this program by all employees as prescribed is mandatory.

Definitions

For purposes of this policy and the guidelines 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 Federal, State, and local 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 function* includes all tasks associated with the operation and maintenance of Board-owned vehicles and/or equipment or as defined by the District.

E. The term *safety-sensitive employee* means all regular and substitute bus drivers, employees who are required to hold a CDL license as a condition of employment, other staff members who may drive students in Board-owned vehicles or employees who inspect, repair, and maintain Board-owned vehicles.

F. The term *while on duty* means all time from the time the District employee 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.

EMPLOYEE TRAINING

The program will assist all District employees in understanding and avoiding the perils of illegal drug use and controlled substance abuse. The Board will provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The drug-free awareness program will inform employees about:

A. the dangers of illegal drug use and controlled substances abuse;

B. the Board's policy on drug-free schools, drug testing, and others related to the use of controlled substances (see the Appendix);

C. signs/symptoms of substance abuse;

D. the availability of treatment and counseling for employees who voluntarily seek such assistance; and

E. the sanctions the Board will impose for violations of its policies related to this program.

DISTRICT COORDINATOR

The Superintendent shall be the coordinator of the Board's drug-testing program and the person to be contacted for answers to any questions that a staff member may have.

SUPERVISOR TRAINING

Supervisors will be trained about issues related to alcohol and drug use in the workplace and their responsibilities regarding the Drug-Free Workplace Policy and its implementation. Supervisors and other appropriate personnel will be trained in drug abuse recognition and the Board's procedures for handling and assisting employees who are subject to the effects of illegal drug use or controlled substance abuse.

RULES RELATED TO THE DRUG-FREE WORKPLACE PROGRAM

All District employees are expected to abide by Board policies related to alcohol and drug use in the workplace (see also, Board Policy 3170 and AG 3170A). Any violation of the Board's policies will lead to disciplinary action, up to and including termination.

POSSESSION/USE/SALE/DISTRIBUTION

No District employee shall possess, use, sell, or distribute alcohol or engage in illegal possession, use, sale, or distribution of drugs while on duty, operating a Board-owned and/or operated ("Board-owned") vehicle, or performing a safety-sensitive function.

PRE-DUTY USE

No District employee shall either perform safety-sensitive functions or operate a Board-owned vehicle after using alcohol and shall not be currently involved in illegal use of drugs.

CONTROLLED SUBSTANCES USE

No District employee shall report for duty or remain on duty when the District employee uses any controlled substance, except when the use is prescribed by a physician who has advised the District employee that the controlled substance does not adversely effect the District employee's ability to safely perform the functions and duties of their employment assignment, operate a Board-owned vehicle or perform safety-related functions.

AUTHORIZED USE OF PRESCRIBED MEDICINE

A District employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability should report this treatment to the Superintendent (District Coordinator) who will determine whether the Board shall temporarily change the staff member's job assignment during the period of treatment.

INDICTMENTS OR CONVICTIONS FOR DRUG OR ALCOHOL USE

Discipline will be imposed if a District employee:

A. is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace; or

B. fails to notify the Board of any indictment or conviction under any criminal drug statute within five (5) days of the event.

CONSEQUENCES FOR VIOLATION OF THE DRUG-FREE WORKPLACE POLICY

In addition to any disciplinary action, the Board may refer the District employee to a treatment or counseling program for illegal drug use or controlled-substance abuse. Appropriate Board representatives shall determine whether a District employee, referred for illegal drug use or controlled-substance abuse treatment or counseling, shall be reassigned to another available position.

CONFIDENTIALITY

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents with access limited to designated District officials. The information contained in these files will be used only to administer this Policy properly and to provide to certifying agencies for review as required by law. Those designated District officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records.

EMPLOYEE ASSISTANCE

The Board is willing to help employees who have alcohol and substance abuse problems and encourages such employees to voluntarily seek assistance prior to testing. To that end, employee assistance is available for employees and their families through a list of resources available through the Superintendent (District Coordinator) (see also, AG 3170B).

REBUTTABLE PRESUMPTION - WORKPLACE INJURIES

Should an employee sustain 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 Worker's Compensation Act. Should the employee test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive worker's compensation benefits,

the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of injury (i.e., rebuttable presumption).

ag3123A

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

3123A - **SECTION 504/ADA - PROHIBITION DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based on his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation and changes in compensation;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the Board;

G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Board will provide a reasonable accommodation to a qualified applicant and employee 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.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability");

B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504/ADA but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, 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.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a factual matter, they will virtually always be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limits brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must 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 aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies,

use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such use;

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;

C. with respect to employment, an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job;

D. an individual on the basis of homosexuality or bisexuality;

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;

2. compulsive gambling, kleptomania, or pyromania; or

3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Public Notice

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement that the Board does not discriminate against disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The Niles City School District Board does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Board will also include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504 Compliance Officer (who also serves as its ADA Coordinator).

Decision-Making Process for Determining/Identify Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The District Section 504 Compliance Officer/ADA Coordinator will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation.

The interactive process will include any and/or all of the following steps, as may be appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job.

B. The District will then consult with the individual with a disability to find out his/her specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties to identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties are still not able to identify an appropriate accommodation, the District will seek technical assistance.

E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitation. The District will respect an individual with a disability's right not to accept an accommodation if s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, s/he may be considered unqualified and may either be refused employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision not to act.

Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

C. Making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees.

D. Reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system (i.e., a negotiated collective bargaining agreement).

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the District's operation, including the composition and structure of the District's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions - this includes requesting the applicant to describe or demonstrate how s/he would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

A. subject all entering employees to such an examination regardless of disability, and

B. the results of the examination will be used only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Board to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding necessary accommodations;

B. first aid and safety personnel may be informed where appropriate, if the condition might require emergency treatment; and

C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications are likewise prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, s/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation should always be linked with performance on a specific job function. The interviewer should never ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? Is so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant himself/herself (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could only be asked to demonstrate job performance if all other candidates must do so.)

If an applicant indicates s/he has performed particular function with an accommodation, the potential employer may inquire about it.

© Neola 2016

ag3124B

REQUEST FOR REDUCED CONTRACT PERIOD

3124B - **REQUEST FOR REDUCED CONTRACT PERIOD**

The District requires that each professional staff member complete the school year for which s/he has contracted. Any request for early release from responsibilities should be made to the Superintendent as early as possible giving full particulars. A decision will be based on the impact on the students and the operation of the school relative to the needs of the professional staff member.

If a professional staff member is granted early release, his/her salary will reflect days worked only. Pay deductions shall be based on a prorated amount of the annual salary for each day not worked. Fringe benefits and vacation days shall also be adjusted on a prorated basis.

It is important to note that mere willingness to lose pay does not permit one to be absent arbitrarily. Early release will only be granted when the interests of the District are not seriously jeopardized.

The same provisions shall apply when a staff member desires to start work at a date later than the contracted date.

ag3141

RESIGNATION

3141 - **RESIGNATION**

Each professional staff member shall recognize the obligation to faithfully fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

The professional staff member shall not resign to accept a new position elsewhere prior to or during a school year until s/he is assured that a suitable replacement is available or until the Board of Education has had a reasonable opportunity to secure a suitable replacement.

The Superintendent and the Board may release a professional staff member from the terms of a contract when an opportunity is offered for significant professional advancement.

A professional staff member intending to resign shall submit a written resignation to the Superintendent for conveyance to the Board as far as possible in advance of the effective date of resignation and at least ten (10) days prior to the requested date.

The Superintendent shall, whenever possible, conduct a post-resignation interview to determine the reasons for the resignation.

Whenever a professional staff member in a position requiring a license resigns because of or in the course of an investigation wherein it is reasonably believed that such employee has engaged in conduct unbecoming the teaching profession, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with Policy 8141.

ag3160A

PHYSICAL EXAMINATION

3160A - **PHYSICAL EXAMINATION**

A. Each professional staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board of Education, and to allow the Superintendent or his/her designee to speak to the healthcare provider who conducted the medical examination in order to get clarification (see Form 3160 F2).

   Such report should indicate whether the staff member can perform the essential functions of the position, with or without reasonable accommodation.

B. The District will pay for the cost of this required examination, when performed by a Board-assigned physician.

C. Each professional staff member is required to be able to perform the essential functions of his/her assigned position, with or without reasonable accommodation, in a satisfactory manner.

D. Written evidence that a staff member can perform the essential functions of his/her position, with or without reasonable accommodation, may be required periodically by the Board from a physician of the Board's choosing with the Board assuming the expense of such an examination.

© Neola 2006

ag3160C

BOARD-ORDERED PHYSICAL EXAMINATIONS

3160C - **BOARD-ORDERED PHYSICAL EXAMINATIONS**

A. Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent, and to allow the Superintendent or his/her designee to speak to the healthcare provider who conducted the medical examination in order to get clarification (see Form 3160 F2).

   Such report should indicate whether the candidate can perform the essential functions of the position with or without accommodation.

B. Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA). In the event of a report indicating that the candidate is not qualified to perform the essential functions of the position, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent or his/her designee may discuss the results of the report with the healthcare provider who performed the medical examination prior to the Superintendent making a recommendation to the Board.

C. Information from medical examinations required of any employee (post-employment) will be handled in the same manner.

ag3170A

SUBSTANCE ABUSE

3170A - **SUBSTANCE ABUSE**

Any professional staff member whose physical characteristics, appearance, behavior, or breath odor suggests to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalyzer test at the local police station or local health facility. The professional staff member shall be taken to the station or local health facility by a supervisor.

Should the professional staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a professional staff member by the Superintendent, who shall recommend to the Board of Education the imposition, if any, of further penalties.

Should a supervisor determine from the physical aspects, appearance, or behavior of a professional staff member that s/he might be under the influence of other drugs, the professional staff member shall be immediately taken to a local health facility for further diagnosis. Should the professional staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a professional staff member, and his/her case immediately referred to the Board for disposition.

Rebuttable Presumption

Should a professional staff member sustain 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. Should the professional staff member test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive workers' compensation benefits, 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).

An alcohol or drug test is considered to be a qualifying chemical test for purposes of the Workers Compensation Act if it is administered to the employee after a work-related injury under at least one (1) of the following conditions:

A. when the employee's supervisor has reasonable cause to suspect (i.e., reasonable suspicion) that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician Reasonable suspicion includes, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training, such as:

1. observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;

2. a pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;

3. the identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;

4. a report of use of alcohol or a controlled substance provided by a reliable and credible source; or

5. repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.

B. at the request of a police officer pursuant to a traffic stop, and not at the request of the Board or

C. at the request of a licensed physician who is not employed by the Board, and not at the request of the Board

Laboratories certified by the United States Department of Health and Human Services or laboratories that meet or exceed the standards of that Department for laboratory certification must be used for processing the test results of such alcohol or drug test.

ag3179

PROFESSIONAL CONCERNS

3179 - **PROFESSIONAL CONCERNS**

If one (1) or more staff members have a nongrievable concern about the behavior of a fellow professional or about some aspect of the operation of the school or District that is not functioning as it should, or in accordance with an agreed-upon plan, or because an informal commitment by the administration is not being fulfilled, the staff member(s) should make arrangements to discuss the matter with the school principal as soon as feasible.

If the matter is not or cannot be rectified satisfactorily by the principal, the staff member(s) may request a meeting with the Superintendent. The request should be in writing and include:

A. the specific nature of the problem and a brief statement of the facts giving rise to it;

B. a brief statement explaining how the staff member(s) are being affected by it;

C. the action that the staff member(s) wishes to be taken and how such action would rectify the problem.

The Superintendent, after reviewing the request, will either meet with the staff member(s) or provide a written decision explaining the District's position on the matter.

ag3211

WHISTLEBLOWER PROTECTION

3211 - **WHISTLEBLOWER PROTECTION**

The Board of Education encourages all employees, acting in good faith, to report suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 3211) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the District

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

    1. the Superintendent or his/her designee;

       If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

    2. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced District employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a

written report of the possible violation.

1. The supervisor or other District official shall notify the employee in writing of any effort of the District to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the District does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the District, and the activities in which the District is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the District, and the activities in which the District is engaged, of any possible violation of the following O.R.C. Chapters that is also a criminal offense:

1. Chapter 3704 - Air Pollution Control;

2. Chapter 3734 - Solid and Hazardous Wastes;

3. Chapter 6109 - Safe Drinking Water; or

4. Chapter 6111 - Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible

violation to the Superintendent or his/her designee.

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other District official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other District official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted, at the conclusion of the investigation.

Auditor of State's Fraud-Reporting System

In addition to or instead of filing a written report with his/her supervisor or other District authority, an employee may file a report using the Auditor of State's fraud-reporting system in accordance with Revised Code 117.103 or may file a written report in accordance with Section 126.45.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the District or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

C. If disciplinary or retaliatory action is taken against an employee for reporting a possible violation, the employee may file a civil action in the Court of Common Pleas for appropriate injunctive relief, remedies, or both, within 180 days after the date the disciplinary or retaliatory action was taken.

© Neola 2012

ag3213

STUDENT SUPERVISION AND WELFARE

3213 - **STUDENT SUPERVISION AND WELFARE**

In addition to requirements specified in Policy 3213, the following guidelines are provided to enhance student safety and well being:

A. Professional staff members:

1. should not leave assigned students unattended;

2. should not leave unqualified persons in charge of students;

3. should take measures to assure the appropriate use of facilities and/or equipment for their intended purpose;

4. should organize classroom materials and equipment so as to minimize danger of injury to students and to self.

B. Each professional staff member is to enforce the following rules established for student activity in high risk areas:

1. Students should not work in a shop, kitchen, or laboratory at other than the regularly scheduled period, unless otherwise authorized, and then only under qualified supervision and in accordance with the prescribed safety procedures.

2. Only students enrolled in shop classes or laboratory classes, are to use power tools or other dangerous equipment and then only under the qualified supervision of a professional staff member.

C. With the ever-increasing demand for the use of gyms and other such facilities, it is imperative that the professional staff take steps to maintain a safe environment in these areas.

1. If permission is granted for a student or group of students to use a facility, a professional staff member or authorized adult must be present in the facility throughout the time it is in use.

2. Under no circumstances are students to be left in charge.

3. If for any reason an area is unlocked for use, the professional staff member or authorized adult is responsible for locking up the area after its use.

4. Under no circumstances are custodians authorized to open a facility for unsupervised students to use.

D. Each professional staff member or other authorized adult must immediately report to the building administrator any accident or a safety hazard s/he detects. (See Form 5340 F1).

ag3231A

POLITICAL ACTIVITIES

3231A - **POLITICAL ACTIVITIES**

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the school. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Nonschool related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive and distracting. Therefore, such activities are not appropriate within the school setting. It is the Board of Education's intention to regulate such activities on all Board owned or used property, within all school buildings, and at all school sponsored activities.

Specifically:

A. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature; and other nonschool related literature shall not be distributed on or in Board owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while school is in session. (The distribution of materials to students by other students is governed by the regulations contained in Board Policy).

B. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature; and other nonschool related literature shall not be distributed at school sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events provided that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session.

C. Nonschool related, political, and/or commercial literature, or campaign posters supporting one or more candidates, issues or a particular point of view shall not be displayed within the schools or on school owned or occupied property, unless done as part of an approved teaching unit.

D. When the school facilities are used as a polling place, State regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.

© Neola 2012

ag3243

ATTENDANCE AT EDUCATIONAL MEETINGS

3243 - **ATTENDANCE AT EDUCATIONAL MEETINGS**

Attendance at educational meetings shall be controlled by the Superintendent in accordance with Board of Education policy and/or terms of negotiated, collectively-bargained agreement.

Educational meetings are intended to include professional conventions, conferences, workshops, etc., which are conducted for the purpose of disseminating information, making inquiries into the nature of an educational problem, etc.

A. Staff members should request leave to attend educational meetings at least ten (10) days in advance of the meeting to allow for proper approval. (See Form 3243 F1)

B. Attendance shall be limited to those staff members who have responsibilities directly related to the topics dealt with at a meeting and have participated in similar activities conducted with the District or the local area.

C. Reimbursement for approved travel, rooms, meals, and other meeting expenses shall be made, within budgetary constraints, on the basis of itemized expense accounts . Under no circumstances will staff members be reimbursed for the purchase of alcoholic beverages.

D. Registration fees exclusive of personal dues shall be reimbursed.

E. No reimbursement will be given to staff members attending required professional meetings conducted by the District

F. Related expenses shall be reimbursed in accordance with Policy 3440 and AG 3440A, AG 3440B, and AG 3440C.

ag3270

LESSON PLANS

3270 - **LESSON PLANS**

Every teacher is responsible for planning on a weekly and daily basis. Lesson plans are to be developed within the context of the applicable courses of study and learning units and should be designed for individual student programs being cognizant of student strengths and weaknesses. (See AG 2231)

A. Each lesson plan should contain, in addition to whatever else a teacher may wish to include, the following elements:

1. purpose of the lesson

2. expected student behavior when purpose has been achieved

3. needed resources

4. how students will be organized throughout the lesson

5. how students will be oriented to the lesson

6. how the lesson will begin

7. how lesson will conclude

B. Lesson plans for individualized programs should reflect a general overview and purpose of the instructional program based on the Standards.. Individual student records may serve as an integral part of the lesson plan.

C. A copy of the plans is to be submitted to the principal at least twice each month for review by appropriate administrative and supervisory personnel.

D. Lesson plans as well as adequate directions are to be provided for substitutes so they can continue the ongoing program as closely as possible.

ag3362A

REPORTING THREATENING BEHAVIORS

3362A - **REPORTING THREATENING BEHAVIORS**

Threatening behavior may take different forms, including but not limited to the following:

A. face-to-face encounters in which words are used that indicate to the staff member that his/her safety and well-being are in jeopardy

B. any conduct or written/oral communications that include comments toward the staff member or his/her family that would imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence

C. written or spoken comments to a staff member that could subject him/her to blackmail or extortion

D. written or spoken communication that would imply or explicitly state that some form of damage may be done to the staff member's property or that of his/her family

Any staff member who believes that s/he is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, or other person associated with the District such as a vendor, contractor, volunteer, or school official should take promptly the following steps:

A. If the alleged threatener is the staff member's supervisor, the affected employee should, as soon as possible after the incident, contact the Superintendent.

B. If the alleged threatener is not the staff member's supervisor, the affected staff member should, as soon as possible after the incident, contact his/her supervisor.

C. If the alleged threatener is a student of the District, the supervisor, if not the student's principal, should immediately inform the student's principal of the alleged threat.

The staff member may make contact either by a written report or by telephone or personal visit. During this contact, the reporting staff member should provide the name of the person(s) whom s/he believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the staff member receiving the report and forwarded to the Superintendent.

Each report received by the supervisor or principal as provided above, shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the matter outside of the investigation.

The purpose of this provision is to:

A. protect the confidentiality of the staff member who files a complaint;

B. encourage the reporting of any incidents of threat;

C. protect the reputation of any party wrongfully charged with threatening conduct.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then appropriate, remedial, and/or disciplinary action will be taken immediately to prevent the continuance of the threat or its recurrence.

The Board of Education recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the Board recognizes that false accusations of threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the District.

ag3362

ANTI-HARASSMENT

3362 - **ANTI-HARASSMENT**

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal**:

   The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. **Nonverbal**:

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. **Physical Contact**:

   Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, ancestry, or genetic information may take different forms, including, but not limited to, the following:

1. **Verbal**:

   The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

2. **Nonverbal**:

   Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

3. **Physical**:

   Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. hugging, kissing, or other physical contact with a student
2. telling sexual jokes to students
3. engaging in talk containing sexual innuendo or banter with students
4. talking about sexual topics that are not related to curriculum
5. showing pornography to a student
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)

13. giving gifts or money to a student for no legitimate educational purpose

14. accepting gifts or money from a student for no legitimate educational purpose

15. being overly "touchy" with students

16. favoring certain students by inviting them to come to the classroom at non-class times

17. getting a student out of class to visit with the staff member

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)

20. being alone with a student behind closed doors without a legitimate educational purpose

21. telling a student "secrets" and having "secrets" with a student

22. other similar activities or behavior.

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 3362, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs and ancestry of the victim,and in the case of genetic information harassment, the genetic information of the employee victim;

F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;

G. the number of alleged harasser(s);

H. the age of the alleged harasser(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or education performance or environment;

L. the context in which the alleged incidents occurred;

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and

N. whether a particular action or incident constitutes a violation of Policy 3362 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's written report to the Superintendent should contain the following information/documentation:

A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);

B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;

F. the outcome of the investigation; and

G. the response of school personnel, and, if applicable, District-level officials, including the date any incident was reported to local law enforcement or children services.

© Neola 2013

ag3419.01

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

3419.01 - **PRIVACY PROTECTIONS OF SELFL-FUNDED GROUP HEALTH PLANS**

The following administrative guidelines apply to the self-funded group health plans maintained by the Board:

A. Training: The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information. The Privacy Official shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

B. Business Associate Agreements: The Privacy Rule requires a group health plan to enter into business associate agreements with its third party vendors. The Privacy Official shall retain counsel to draft and negotiate these business associate agreements. The Privacy Official will oversee the review of existing business associate agreements to verify compliance with current laws. The Privacy Official shall verify that business associate agreements are entered into with new vendors.

C. Notice of Privacy Practices: The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The Privacy Official shall retain counsel to draft the Notice of Privacy Practices. The Privacy Official shall subsequently distribute these notices to existing group health plan participants. If there is a material change to the Notice, then the Notice shall be distributed as follows:

1. If the group health plan posts its Notice on its website, then the plan may post the revised Notice on its website by the effective date of the material change, and then provide a hard copy of the Notice (or information about the material change and how to obtain the revised Notice) in its next annual mailing; or

2. If the group health plan does not have a website, then the plan may provide the revised Notice (or information about the material change and how to obtain the revised Notice) to individuals covered by the plan within sixty (60) days of the material revision to the Notice.

   The Privacy Official shall notify all participants in the Plan of the availability of the Notice and how to obtain the Notice annually.

D. Safeguards: The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Official shall implement these safeguards in a reasonable and appropriate manner.

   The Security Official shall seek the services of a third party to perform an information technology risk analysis to identify and protect against reasonably anticipated threats to the security or integrity of electronic Protected Health Information, if applicable.

E. Amendment of Plan Documents: The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Official shall assist other school personnel in determining whether and how plan documents should be amended.

F. Participant Rights: The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Official shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

G. Participant Rights: The Privacy Official shall develop a breach notification procedure. A breach occurs when there has been an acquisition, access, use or disclosure of Protected Health Information in a manner not permitted under the Privacy Rule, which compromises the security or privacy of the Protected Health Information. The Privacy Official shall train workforce members on the breach notification procedures.

© Neola 2014

ag3421

FEDERAL GROUP HEALTH CONTINUATION (COBRA)

3421 -**FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. A covered employee shall be offered the opportunity to continue the District's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless or in deliberate indifference to the District's interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the District's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employee

   Also, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employee

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rules

   Under the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

Other Options for Qualified Beneficiaries

In lieu of electing COBRA continuation coverage, qualified beneficiaries may wish to pursue coverage through the health insurance marketplace established by the Patient Protection and Affordable Care Act. In some cases, individuals may receive significant subsidies toward the cost of coverage under the health insurance marketplace. These subsidies may make ACA marketplace coverage significantly less expensive than COBRA continuation coverage. Qualified beneficiaries may also wish to explore whether coverage under another employer group health plan or Medicaid is possible.

Termination of COBRA Coverage

COBRA continuation coverage generally lasts for eighteen (18) months. For example, if coverage is lost because of termination of employment or reduction of hours, the employee generally may elect COBRA for a maximum of eighteen (18) months.

However, there are a few exceptions to this rule. If Plan coverage was lost as a result of death of an employee, divorce or legal separation, or loss of eligibility for coverage as a dependent child, COBRA coverage can continue for a maximum of thirty six (36) months. If a qualified beneficiary is determined under Tile II or Title XVI of the Social Security Act to have been disabled before the sixtieth (60th) day of continuation coverage and the qualified beneficiary properly notifies the Plan Administrator of the disability determination, the eighteen (18) month period is expanded to twenty-nine (29) months. If a second qualifying event occurs while receiving COBRA coverage and the qualified beneficiary properly notifies the Plan Administrator, COBRA coverage may continue for a maximum of thirty-six (36) months.

COBRA coverage under a health flexible spending account can last only until the end of the year in which the qualifying event occurred.

Coverage for qualified beneficiaries may end prior to the end of the maximum coverage period if:

A. Premiums are not paid on a timely basis;

B. District ceases to maintain the group health plan;

C. coverage is obtained with another employee group health plan that does not contain any exclusion or limitation with respect to any pre existing condition (note that the Patient Protection and Affordable Care Act eliminated pre-existing exclusion conditions in most groups health plans);

D. a qualified beneficiary becomes entitled to Medicare benefits;

E. during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the District in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the District of the fact within thirty (30) days after the Social Security Administration's determination.

© Neola 2016

FAMILY LEAVE AND INSTRUCTIONAL EMPLOYEES

3430.01A - **FAMILY LEAVE AND INSTRUCTIONAL EMPLOYEES**

The following provisions are paraphrases of appropriate portions of Section 1084 of the Family and Medical Leave Act of 1993, as amended ("Special Rules Concerning Employees of Local Educational Agencies").

(c) INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE FOR INSTRUCTIONAL EMPLOYEES

(1) IN GENERAL - Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by the Board of Education requests leave for reason (C), (D) or Military Caregiver Leave as outlined in Policy 3430.01 that is foreseeable based on planned medical treatment and the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the Superintendent may require that such employee elect either --

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified, and that--

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION - The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with Policy 3430.01.

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM

The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by the Board:

(1) LEAVE MORE THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins FMLA leave under Policy 3430.01 more than five (5) weeks prior to the end of the academic term, the Superintendent may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of at least three (3) weeks duration; and

(B) the return to employment would occur during the three (3) week period before the end of such term.

(2) LEAVE LESS THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave for reason (A), (B), (C) or Military Caregiver Leave as outlined in Policy 3430.01 during the period that commences five (5) weeks prior to the end of the academic term, the Superintendent may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of greater than two (2) weeks duration; and

(B) the return to employment would occur during the two (2) week period before the end of such term.

(3) LEAVE LESS THAN THREE (3) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave for reason (A), (B), (C) or Military Caregiver Leave as outlined in Policy 3430.01 during the period that commences three (3) weeks prior to the end of the academic term and the duration of the leave is greater than five (5) working days, the Superintendent may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION

For purposes of determinations related to the restoration of an eligible employee to an equivalent position, such determinations shall be made on the basis of established Board policies and practices, and collective bargaining agreements. The "established policies" and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave.

As used above, the term "instructional employees" refers to eligible employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting. The term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. Finally, it does not include cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

If an eligible instructional employee chooses to take leave for "periods of a particular duration" in the case of intermittent leave or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

If an eligible instructional employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement.

ag3430.01B

FMLA RECORDKEEPING REQUIREMENTS

3430.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Treaurer is responsible for making, keeping, and preserving all relevant records pertaining to the Board of Education's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Treaurer is charged with keeping/preserving the records identified below in accordance with the District's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Treaurer shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the District under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the District and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or designee or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

© Neola 2013

ag3430.01

FMLA LEAVE

3430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "spouse" means all individuals in legal marriages, regardless of where they live. More specifically, the definition of "spouse" is a husband or wife as defined or recognized in the State where the individual was married ("place of celebration"), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single twelve (12) month period," to care for a covered service member with a serious injury or illness. The "single twelve (12) month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single twelve (12) month period" of leave, the remaining work weeks of leave are forfeited.

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.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in-law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service

member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single twelve (12) month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single twelve (12) month period," and then take another twenty-six (26) work weeks of leave in a different "single twelve (12) month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single twelve (12) month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from aqualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.

5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military members stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes (1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; (2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; (3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and (4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

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.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents "in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave "to care for an immediate family member" must submit DOL Form (WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition").

Eligible employees who apply for FMLA leave for "the employee's own serious health condition" must submit DOL Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; "Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for "the employee's own serious health condition", prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for "Qualifying Exigency Leave" must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying

exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

District Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Treasurer is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

© Neola 2015

ag3440A

JOB-RELATED EXPENSES

3440A - **JOB-RELATED EXPENSES**

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 provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on school business, a professional staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business. For out-of-state travel, consideration shall be given to relevant cost-of-living differences.

Authorization

A. Travel within or outside the District is to be authorized by the Superintendent.

B. Travel to conventions or conferences away from the District which involve overnight stay will be authorized by the appropriate administrator for approval by the Superintendent. All such requests must be received in the Central Office at least ten (10) days prior to the date a decision is needed. Forms are available in each school office.

Procedure

A. Each request for travel or conference funds should detail the reasons for the expenditures and should not be labeled in broad general terms.

B. Under normal conditions, officers and professional staff members traveling on official business shall provide themselves with sufficient funds of their own for ordinary expenses.

C. Travel should be by the most reasonable, direct and economical route.

D. All persons authorized to travel on official business should keep a memorandum and receipts of expenditures properly chargeable to the Board of Education. Professional staff members might find it advantageous to charge as many expenditures as possible on credit cards. The itemized statement may serve as a receipt, with reimbursement available to pay the charges.

E. For official travel other than by automobile, tickets may be purchased by the District in advance, upon request of the individual involved.

F. In all instances of travel reimbursement, full itemization of expenditures is required.

G. Those doing such traveling should be expected to exercise the same care in incurring expenses that they would in travel on personal business of their own. Excessive and unnecessary travel will not be approved or reimbursed.

Reimbursement

A. Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted on Form the provided for that purpose.

B. Travel outside of Trumbull County will be reimbursed at the regular fare rate charged the general public by common carrier, unless travel by private conveyance is more economical, in which case mileage will be reimbursed at the Internal Revenue Service rate. Taxi fare from home and conference destination to terminal and return is allowable with receipt.

C. Employees shall request and accept, if available, the "government rate" on rooms.

D. Lodging and meals will be reimbursed at a reasonable per diem rate . All claims must be supported by original receipted bills.

E. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

F. Registration fees are reimbursable.

G. Sales tax on hotel bills is reimbursable.

H. If meals are included in registration fees, duplicate meals shall not be reimbursed.

© Neola 2012

ag3440B

USE OF PRIVATE CAR FOR SCHOOL BUSINESS

3440B - **USE OF PRIVATE CAR FOR SCHOOL BUSINESS**

The District has established the following means for providing reimbursement for the use of privately-owned vehicles used in the performance of assigned duties.

A. All professional staff will be assigned to a school or office which becomes the home station. It will be the responsibility of each individual to provide his/her own transportation from his/her residence to his/her assigned station and to any other assigned spot to attend meetings for administrative or training purposes.

B. When an individual's duties require his/her presence at other stations or places within or outside of the District, reimbursement for travel may be requested. Such requests will be approved when the travel is scheduled or authorized by the Superintendent.

C. Regularly scheduled travel will be authorized when requisitioned in compliance with a printed schedule; e.g.: special professional staff members are required to go from school to school on a regular schedule.

D. Sporadic or emergency travel will be authorized when made in connection with an assignment.

E. All personnel who are assigned duties at more than one (1) school will be listed by their immediate supervisor. This will not include the drivers to whom school vehicles are assigned.

F. Payments for authorized travel will be made provided itemized daily records are submitted on the proper forms. Persons who travel are advised to keep a daily log of their required business trips.

G. Reimbursement for travel, less the employee's commute, shall be paid at the standard Federal mileage rate as set by the IRS
.

H. Private vehicles may be used for authorized school business only when the employee/owner maintains a valid driver's license and is insured under a liability policy that complies with R.C. 4509.51.

I. Gasoline, damages, needed service, or repairs to private vehicles are the responsibility of the employee/owner as these costs are included in the per-mile cost reimbursement.

ag3440C

USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS

3440C - **USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS**

The District has established the following guidelines for the use of school-owned vehicles in the performance of assigned duties.

A. Regularly scheduled use will be authorized by the Superintendent/designee.

B. School personnel who are required to be on-call in case of after hour emergencies may be assigned a District vehicle for daily use.

1. Only school personnel will be authorized to operate the vehicle.

2. The vehicle is to be used only for school business.

C. **Requirement for Continuation of School Vehicle Use**:

1. No unauthorized personnel are allowed in these vehicles at any time without the approval of the Superintendent.

2. No repair work will be performed on the vehicle without the Transportation Supervisor approval.

3. Mileage will be recorded on a weekly basis.

4. All accidents and related injuries will be reported in writing immediately (no matter how minor) to the Superintenent/designee. Drivers shall report to Transportation Supervisor any parking or traffic ticket incurred while operating a school vehicle, along with proof of payment.

5. All accidents must be reported to the law enforcement agency where the accident takes place at the time of the accident.

6. The designated operator is responsible for cleanliness of the vehicle both inside and outside.

7. Before any out-of-district trips are made with the vehicle, the authorized driver shall check the vehicle for any maintenance problems.

8. Employees shall notify Superintendent of traffic violations such as DUI, reckless operation, The Board may annually check the employee's driving record. License suspensions or revocations shall be reported to Superintendent immediately.

9. Drivers and passengers must wear seatbelts in accordance with Ohio law. Drivers shall obey all State and local traffic laws.

10. Transporting cargo unrelated to the performance of school business is prohibited.

ag4111A

CREATING A POSITION

4111A - **CREATING A POSITION**

The Board of Education has reserved the right in its discretion to create new positions and specify the number of employees in each category. In compliance with that policy, the Board has adopted the following guidelines for the creation of a District position:

A. A job description will be prepared for each new position being considered.

B. Documentation will be made of the need for the new position or an increase in the number of employees in an existing category of work.

C. Each new position will be presented to the Board by the Superintendent with a recommendation for approval.

D. No person may be employed to fill the position until Board approval is obtained.

ag4111B

VERIFICATION OF EMPLOYMENT ELIGIBILITY

4111B - **VERIFICATION OF EMPLOYMENT ELIGIBILITY**

In order to comply with Federal law the following verification of employment eligibility procedures will apply:

Completion of Form I-9

Form I-9 must be completed within three (3) business days of the date of the hire. If an individual is employed for less than three (3) days, the form must be completed before the end of the employee's first working day.

The following individuals do not need to complete Form I-9:

A. persons hired before November 7, 1986

B. persons who are employed by a contractor providing contract services

C. persons who are independent contractors

The Treaurer is also responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Retention of Employment Eligibility Verification Form (Form I-9)

The Treasurer must retain Form I-9 for three (3) years or for one (1) year past the end of the employment of the individual, whichever is longer. Such forms will be retained in a separate file and shall be considered to be confidential and used only for employment eligibility verification purposes.

Preparation of Documents for Inspection

U.S. Immigration and Naturalization Service (INS) or Department of Labor (DOL) Officers are required to give employers three (3) days advance notice before an inspection. The Treasurer's Office will assemble the I-9 forms in preparation for the inspection. Failure to provide the I-9 forms could result in civil monetary penalties for each employee for whom the form was not completed, retained, or presented.

Retention of Employee Identification and Social Security Number

The Board will retain a photocopy of either the employee's driver's license or passport showing the employee's identity and valid social security number.

ag4120C

PRE-EMPLOYMENT INTERVIEW QUESTIONS

4120C - **PRE-EMPLOYMENT INTERVIEW QUESTIONS**

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the District. The following guideline outlines the questions that are appropriate and those that should be avoided.

YOU CANNOT ASK:

A. any question that would indicate race or color of applicant or applicant's relatives;

B. any question that would indicate gender, unless job-related;

C. applicant's religion or religious customs and holidays; recommendations from church officials;

D. place of birth; if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring (proof of citizenship required on I-9 form); length of residency in U.S.;

E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

F. to see military service records; about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, convictions, or pending charges;

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics which do not relate directly to the job specifications, past or current medical conditions not directly related to job specifications;

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligations; type of military discharge;

P. inquires about age (other than whether applicant is at least eighteen (18) years of age).

YOU CAN ASK:

A. for applicant's current and previous address (unless designed to determine foreign address indicating place of birth); phone number;length at current address;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

G. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

H. willingness to perform job functions;

I. willingness to work required work schedule and under prescribed working conditions.

AFTER HIRING, YOU MAY OBTAIN:

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

© Neola 2016

ag4120D

CHECKING REFERENCES OF APPLICANTS

4120D - **CHECKING REFERENCES OF APPLICANTS**

The following procedure is to be used when conducting a check of references submitted by an applicant:

A. Prior to any reference checking, the applicant is to be asked to sign a waiver and a release granting the District permission to contact any person listed as a reference as well as any other person who may be familiar with the applicant's previous job performance or suitability for employment.

B. Review the references with the applicant to ensure that those submitted are people with whom the applicant has worked on a regular basis either in a job setting or an academic setting or both. Make sure the references have worked with the applicant within the last three (3) to five (5) years. Determine from the reference if other people who worked with the applicant are available to provide information concerning suitability for the job.

C. Make telephone (not mail) contact with at least three (3) references. (see Form 4120D F2)

D. Prior to contacting the reference, review AG 4120C regarding questions not to ask.

E. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire _____ again?" or "would you want to work with _____ again?". Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.

F. Take notes of each reference contact, including time and date of the call and the reference's name and position. Maintain a written summary of the comments for later use.

ag4120

EMPLOYMENT OF CLASSIFIED STAFF

4120 - **EMPLOYMENT OF CLASSIFIED STAFF**

The following guidelines are established for the interviewing and screening of employee candidates:

A. Where specific openings exist in positions that could afford present employees an opportunity to be upgraded, such notice shall be posted in the schools of this District.

B. Employment priority (as opposed to promotional priority) should be given to former employees placed on a reemployment list with satisfactory service records who have been laid off because of lack of work or lack of funds. Following the exhaustion of the aforenoted categories, only candidates having the most favorable applications will be interviewed.

C. When qualifications of new candidates for a position are similar, preference shall be given to candidates who reside within the boundaries of the District.

D. Applications are to be made in writing to the Superintendent's office.

E. Checking of credentials may include direct telephone calls to immediate supervisors of the person being considered.

F. Applicants may be granted an interview if their credentials indicate they meet the criteria for the position.

G. Terms of employment shall be made known to the candidate at the time of the interview.

In selecting personnel to fill established positions, the Superintendent shall be responsible for selecting the person best qualified to fill each position in accordance with position specifications established by the Board. Each final candidate also must pass a background check performed by the Bureau of Criminal Identification and Investigation.

Upon employment, the Treasurer shall be responsible for submitting a copy of the W-4 form (or the form provided by the Department) to the Department of Human Services for each new employee, or any person who is rehired or returns to work after a lapse in pay.

The new staff member is to be properly oriented. (see Form 4120 F1)

© Neola 2013

ag4120.01

JOB DESCRIPTION

4120.01 - **JOB DESCRIPTION**

After reviewing the job description, the classified staff member shall sign and date one copy of the job description, indicating that s/he has received a copy of it and attesting that s/he was given the opportunity to discuss it with his/her immediate supervisor, and, furthermore, understands that it is his/her responsibility to perform satisfactorily the duties and responsibilities described therein.

This signed copy shall be included in the classified staff member's personnel file.

ag4120.04

EMPLOYMENT OF SUBSTITUTE CLASSIFIED STAFF

4120.04 - **EMPLOYMENT OF SUBSTITUTE CLASSIFIED STAFF**

The Superintendent/designee approves the employment and fixes the compensation for each substitute staff member.

The Board of Education must approve those candidates for employment recommended by the Superintendent.

The screening procedure shall be as follows:

A. All applications for substitute positions shall be made through the Office of the Superintendent.

B. Each applicant should show evidence of good health, good character, knowledge, ability, and skills to carry on the work in the area in which substitute employment is sought.

C. Each applicant should demonstrate sufficient maturity to deal with students and other employees.

D. The employment of substitute staff members prior to approval by the Board is authorized only when their employment is required to maintain continuity of services in the District. Retroactive employment shall be recommended to the Board at the next meeting.

E. Screening tests may be used to determine the candidate's ability to perform the tasks for which s/he is being considered.

F. Recommendations from former employers and others may be requested. Such records shall be retained confidentially and for official use only.

Substitutes must pass a background check performed by the Bureau of Criminal Identification and Investigation.

© Neola 2012

ag4120.09

USE OF UNPAID VOLUNTEER AIDES

4120.09 - **USE OF UNPAID VOLUNTEER AIDES**

Unpaid volunteer aides may be used throughout the school system for:

A. one (1) day resource service projects such as a lecture, a demonstration, or assistance on a field trip;

B. short term resource service projects;

C. continuing service projects extending over long periods or for the entire school year such as library aides, teacher aides, and office aides.

Procedures to be Followed

A. Volunteers for one (1) day and short term resource service projects may be contacted and scheduled by the individual school or department desiring the service without involving the Central Office in the arrangements and without any special conditions.

B. All volunteers who will be working with students on an independent basis are required to complete Form 4120.09 F1.

C. All volunteers shall be under the direct supervision of the school or department administrator and/or the teacher to whom they are assigned. They may not be used in an administrative or supervisory capacity.

D. Volunteer aides may not be used to replace paid employees.

ag4121

CRIMINAL HISTORY RECORD CHECK

4121 - **CRIMINAL HISTORY RECORD CHECK**

A criminal background check is required of each applicant recommended for employment in a non-teaching position as well as for all current non-teaching employees on a periodic basis depending upon their position with the District.

The following procedure applies to any non-teaching employee, including individuals employed by a private company under contract with the Board of Education to provide essential school services in accordance with Policy 8142, and all substitutes and persons employed on a part-time basis such as coaches or activity supervisors.

Special rules relating to employees engaged in the operation of a vehicle for student transportation (bus/van drivers) and non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit), are set forth below.

A criminal background check is not required of any currently-employed staff member who is a candidate for another position in the District, unless otherwise required by law and/or Policy 4121.

With regard to criminal background checks, the following procedures are to be used:

A. An applicant or current non-teaching employee, as appropriate, must be informed that a criminal history record check must be obtained at the expense of the applicant or current employee and timely submitted to the District. Prospective employees shall be informed of the requirement for a criminal background check either by direct communication or by information on the application form and shall submit same at the time of application. Current non-teaching employees not engaged in the operation of a vehicle for student transportation (bus/van drivers) must undergo a criminal background check every five (5) years. Bus and van drivers must complete a background check every six (6) years. An applicant for the position of bus/van driver will bear the cost of the initial check of his/her complete driving record. The cost for subsequent semi-annual checks on drivers will be borne by the District. The applicant should indicate on the request that the criminal history record check is being required by R.C.3319.39.

B. The prospective or current non-teaching employee may submit or ask the District to obtain from the Bureau of Criminal Identification and Investigation (BCII) the results of a criminal history records check conducted by BCII providing the application is within twelve (12) months of the date the check was done. After January 1, 2010, a current non-teaching employee will not be required to undergo a subsequent criminal history records check conducted by BCII if the employee: 1) has previously had a BCII criminal records check (for employment or licensure purposes); and 2) provides proof of continuous Ohio residency for the preceding

five (5) years. Under such circumstances, the current non-teaching employee will only be required to undergo a criminal history records check through the Federal Bureau of Investigation (FBI).

C. The prospective or current non-teaching employee is to submit a set of fingerprints on an authorized format prescribed by the BCII which will also be submitted to the FBI for criminal history information.

D. Costs related to obtaining the criminal history record check are to be borne by the applicant or employee.

E. When the certified report is submitted by an applicant or employee, a photocopy is to be made for possible insertion in the person's confidential personal file, should s/he be employed, and the original returned to the applicant or employee.

F. The Superintendent shall determine whether or not to consider disqualification of a prospective or current non-teaching employee based on the records check.

G. All information received from the record check shall be kept confidential by the person receiving the report and is to be shared only with the Superintendent. If a prospective employee is subsequently hired, the record check shall be kept in his/her confidential file. If not employed, it shall be returned to the prospective employee. All information received from the criminal record checks of current employees shall be kept in his/her confidential file.

Offenses

No person will be hired, and current non-teaching employees will be released from employment if it is determined that s/he has pled guilty to or been convicted of any of the following listed offenses, unless such individual has met the rehabilitation standards of R.C. 3319.39(E) at the time of the hiring and/or upon discovery of such plea or conviction:

A. aggravated murder, murder, voluntary manslaughter, involuntary manslaughter

B. felonious assault, aggravated assault, assault

C. failing to provide for a functionally impaired person

D. aggravated menacing

E. patient abuse or neglect

F. kidnapping, abduction, child stealing, criminal child enticement

G. rape, sexual battery, corruption of a minor, gross sexual imposition, sexual imposition, importuning, voyeurism, public indecency, felonious sexual penetration, compelling prostitution, promoting prostitution, procuring prostitution, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of minor in nudity-oriented material or performance

H. aggravated robbery, robbery

I. aggravated burglary, burglary

J. abortion without informed consent, unlawful abortion, interference with custody

K. endangering children

L. contributing to the delinquency of children, unruliness

M. domestic violence

N. carrying concealed weapons, having weapons while under disability, improperly discharging firearm at or into a habitation or school

O. corrupting another with drugs

P. trafficking in drugs

Q. illegal manufacture of drugs or cultivation of marijuana

R. funding of drug or marijuana trafficking

S. illegal administration or distribution of anabolic steroids

T. drug possession offenses (that are not a minor drug possession offense)

U. placing harmful objects in or adulterating food or confection

V. a felony

W. an offense of violence

X. a theft offense (as defined in R.C. 2913.01)

Y. a drug offense (as defined in R.C. 2925.01, that is not a minor misdemeanor)

Z. possession of a controlled substance

AA. violation of municipal ordinance

Offenses for Bus/Van Drivers ONLY

A. vehicular manslaughter (as defined by R.C. 2903.06, 2903.08 and 2903.09);|

B. terrorism;

C. operating a Motor Vehicle Under the Influence;

D. reckless operation;

E. driving under suspension;

F. driving under OVI suspension.

School Bus Drivers

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). The required satisfactory criminal records checks shall be completed and received by the District prior to permitting the individual to operate a vehicle used for student transportation. Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall be maintained for a minimum of six (6) years.

For any school bus or school van driver who is recertifying, the employee will not be required to undergo a subsequent criminal history records check conducted by BCII if the employee: 1) has previously had a BCII criminal records check (for employment or licensure purposes); and 2) provide proof of continuous Ohio residency for the five (5) years period prior to the date upon which the new criminal records check is due. Under such circumstances, the current non-teaching employee will only be required to undergo a criminal history records check through the Federal Bureau of Investigation (FBI).

In addition to the required criminal records checks, a copy of each new school bus driver's 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 six (6) years (i.e., not been convicted of a violation of R.C. 4511.19);

C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01(II)(during 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;

D. no railroad crossing violations during the last year (i.e., twelve (12) month period);

E. not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier.

The records obtained from the semi-annual records check will also be maintained for a minimum of six (6) years.

If a school bus driver has any of the above-referenced violations, s/he will be disqualified from operating a school bus. The bus 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.

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.

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.

Further, 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. a criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.

School Bus Aides

Similar to other applicants, satisfactory BCII and FBI reports are required prior to the hiring of an individual as a school bus aide for pre-school and special needs children. In addition, the administrator in charge of transportation will obtain an updated, satisfactory BCII/FBI report for each school bus aide every six (6) years. Satisfactory shall be defined by the same standards applied to other non-certified public school employees. Such records shall also be maintained for a minimum of six (6) years.

Current Employees Licensed by the Ohio Department of Education

Non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) who engage in conduct unbecoming the teaching profession under certain specific circumstances set forth in Policy 8141 and/or who it is determined have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including 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 and described above, are subject to the mandatory State reporting requirements in addition to an action by the Board to terminate their employment.

© Neola2018

ag4122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

This administrative guideline is established to assist in the proper implementation of Policy 4122 and Policy 4122.02.

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), 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.

The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are suspect and potentially impermissible.

Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the Superintendent's attention.

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Ohio organized militia. 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.

© Neola 2014

ag4122.01

DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

Purpose

The purpose of the Board's Drug-Free Workplace Program is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances.

All employees are expected to read and understand this Policy/Administrative Guideline. Participation in this program by all employees as prescribed is mandatory.

Definitions

For purposes of this policy and the guidelines 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 Federal, State, and local 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 function* includes all tasks associated with the operation and maintenance of Board-owned vehicles and/or equipment or as defined by the District.

E. The term *safety-sensitive employee* means all regular and substitute bus drivers, employees who are required to hold a CDL license as a condition of employment, other staff members who may drive students in Board-owned vehicles or employees who inspect, repair, and maintain Board-owned vehicles.

F. The term *while on duty* means all time from the time the District employee 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.

EMPLOYEE TRAINING

The program will assist all District employees in understanding and avoiding the perils of illegal drug use and controlled substance abuse. The Board will provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The drug-free awareness program will inform employees about:

A. the dangers of illegal drug use and controlled substances abuse;

B. the Board's policy on drug-free schools, drug testing, and others related to the use of controlled substances (see the Appendix);

C. signs/symptoms of substance abuse;

D. the availability of treatment and counseling for employees who voluntarily seek such assistance; and

E. the sanctions the Board will impose for violations of its policies related to this program.

DISTRICT COORDINATOR

The Superintendent shall be the coordinator of the Board's drug-testing program and the person to be contacted for answers to any questions that a staff member may have.

SUPERVISOR TRAINING

Supervisors will be trained about issues related to alcohol and drug use in the workplace and their responsibilities regarding the Drug-Free Workplace Policy and its implementation. Supervisors and other appropriate personnel will be trained in drug abuse recognition and the Board's procedures for handling and assisting employees who are subject to the effects of illegal drug use or controlled substance abuse.

RULES RELATED TO THE DRUG-FREE WORKPLACE PROGRAM

All District employees are expected to abide by Board policies related to alcohol and drug use in the workplace (see also, Board Policy 3170 and AG 3170A). Any violation of the Board's policies will lead to disciplinary action, up to and including termination.

POSSESSION/USE/SALE/DISTRIBUTION

No District employee shall possess, use, sell, or distribute alcohol or engage in illegal possession, use, sale, or distribution of drugs while on duty, operating a Board-owned and/or operated ("Board-owned") vehicle, or performing a safety-sensitive function.

PRE-DUTY USE

No District employee shall either perform safety-sensitive functions or operate a Board-owned vehicle after using alcohol and shall not be currently involved in illegal use of drugs.

CONTROLLED SUBSTANCES USE

No District employee shall report for duty or remain on duty when the District employee uses any controlled substance, except when the use is prescribed by a physician who has advised the District employee that the controlled substance does not adversely effect the District employee's ability to safely perform the functions and duties of their employment assignment, operate a Board-owned vehicle or perform safety-related functions.

AUTHORIZED USE OF PRESCRIBED MEDICINE

A District employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability should report this treatment to the Superintendent (District Coordinator) who will determine whether the Board shall temporarily change the staff member's job assignment during the period of treatment.

INDICTMENTS OR CONVICTIONS FOR DRUG OR ALCOHOL USE

Discipline will be imposed if a District employee:

A. is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace; or

B. fails to notify the Board of any indictment or conviction under any criminal drug statute within five (5) days of the event.

CONSEQUENCES FOR VIOLATION OF THE DRUG-FREE WORKPLACE POLICY

In addition to any disciplinary action, the Board may refer the District employee to a treatment or counseling program for illegal drug use or controlled-substance abuse. Appropriate Board representatives shall determine whether a District employee, referred for illegal drug use or controlled-substance abuse treatment or counseling, shall be reassigned to another available position.

CONFIDENTIALITY

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents with access limited to designated District officials. The information contained in these files will be used only to administer this Policy properly and to provide to certifying agencies for review as required by law. Those designated District officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records.

EMPLOYEE ASSISTANCE

The Board is willing to help employees who have alcohol and substance abuse problems and encourages such employees to voluntarily seek assistance prior to testing. To that end, employee assistance is available for employees and their families through a list of resources available through the Superintendent (District Coordinator) (see also, AG 4170B).

REBUTTABLE PRESUMPTION - WORKPLACE INJURIES

Should an employee sustain 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 Worker's Compensation Act. Should the employee test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive worker's compensation benefits,

the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of injury (i.e., rebuttable presumption).

ag4123A

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

4123A - **SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based on his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

A. recruitment, advertising, and job application procedures;

B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

C. rates of pay or any other form of compensation and changes in compensation;

D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

E. leaves of absence, sick leave, or any other leave;

F. fringe benefits available by virtue of employment, whether or not administered by the Board;

G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

H. activities sponsored by the Board, including social and recreational programs; and

I. any other term, condition, or privilege of employment.

The Board will provide a reasonable accommodation to a qualified applicant and employee 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.

An individual with a disability is anyone who:

A. **has** a physical or mental impairment that substantially limits one or more major life activities ("actual disability");

B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

C. **is regarded as having** a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504/ADA but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, 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.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a factual matter, they will virtually always be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limits brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must 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 aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies,

use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such use;

B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;

C. with respect to employment, an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job;

D. an individual on the basis of homosexuality or bisexuality;

E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;

2. compulsive gambling, kleptomania, or pyromania; or

3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or

C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Public Notice

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement that the Board does not discriminate against disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The Niles City School District Board does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in employment or the provision of services.

The Board will also include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504 Compliance Officer (who also serves as its ADA Coordinator).

Decision-Making Process for Determining/Identify Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and

B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities."Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The District Section 504 Compliance Officer/ADA Coordinator will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation.

The interactive process will include any and/or all of the following steps, as may be appropriate:

A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job.

B. The District will then consult with the individual with a disability to find out his/her specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties to identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

D. If the parties are still not able to identify an appropriate accommodation, the District will seek technical assistance.

E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitation. The District will respect an individual with a disability's right not to accept an accommodation if s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, s/he may be considered unqualified and may either be refuse employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision not to act.

Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

C. Making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees.

D. Reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system (i.e., a negotiated collective bargaining agreement).

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;

B. the type of the District's operation, including the composition and structure of the District's workforce; and

C. the nature and cost of the accommodation needed.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions - this includes requesting the applicant to describe or demonstrate how s/he would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

B. assuring the test site is accessible to a person with a mobility impairment;

C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and

D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

A. subject all entering employees to such an examination regardless of disability, and

B. the results of the examination will be used only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the Board to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding necessary accommodations;

B. first aid and safety personnel may be informed where appropriate, if the condition might require emergency treatment; and

C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications are likewise prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, s/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation should always be linked with performance on a specific job function. The interviewer should never ask an open-ended question such as "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

A. Have you ever had or been treated for any of the following conditions or diseases?

B. Please list any conditions or diseases for which you have been treated in the past three (3) years.

C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? Is so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant himself/herself (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could only be asked to demonstrate job performance if all other candidates must do so.)

If an applicant indicates s/he has performed particular function with an accommodation, the potential employer may inquire about it.

© Neola 2016

ag4130

ASSIGNMENT AND TRANSFER

4130 - **ASSIGNMENT AND TRANSFER**

Relocation of classified staff may become necessary to meet load conditions, building or program requirements, or for other good reasons. However, relocation shall not be made capriciously, vindictively, or arbitrarily. Transfers between buildings require the approval of the principals.

A. **Involuntary Transfers**

A transfer may be made for such reasons as the following:

1. factors in the present location
2. schools being opened or closed
3. for the good of the District

B. **Voluntary Transfers**

The following guidelines shall be followed in requesting a transfer:

1. A written request may be made to the Superintendent/principal at any time during the year for transfer to either a specified or an unspecified location.
2. The principal and/or the immediate supervisor of the employee must be made aware of the request for transfer.
3. The principal and/or the immediate supervisor of the receiving school or department must approve the request, unless the Superintendent directs that the transfer be made.
4. The filing of a request for transfer shall be without prejudice to the employee, and shall not jeopardize his/her present assignment. The request may be withdrawn at any time prior to the official confirmation that the transfer has been effected.
5. Voluntary transfers shall be made effective at a time in the best interest of the District.

ag4140

RESIGNATION

4140 - **RESIGNATION**

The classified staff member should recognize the obligation to faithfully fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

The classified staff member shall not resign to accept a new position elsewhere during a school year until a suitable replacement is available or until every reasonable opportunity has been made to secure a suitable replacement.

The Superintendent may release a staff member from the terms of a contract when an opportunity is offered for significant advancement.

A classified staff member intending to resign should submit a written resignation to the Superintendent as far as possible in advance of the effective date of resignation.

The Superintendent/designee shall, whenever possible, conduct an interview with the employee to determine the reasons leading up to the resignation.

Whenever a classified employee in a position requiring a license resigns because of or in the course of an investigation wherein it is reasonably believed that such employee has engaged in conduct unbecoming the teaching profession, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with Policy 8141.

ag4160A

PHYSICAL EXAMINATION

4160A - **PHYSICAL EXAMINATION**

A. Each classified staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the physical to be released to the Board, and to allow the Superintendent or his/her designee to speak to the healthcare provider who conducted the medical examination in order to get clarification (see Form 4160 F2).

   Such report should indicate whether the staff member can perform the essential functions of the position, with or without reasonable accommodation.

B. The District will pay for the cost of this required examination, when performed by a Board-assigned physician.

C. Each classified staff member is required to be able to perform the essential functions of his/her assigned position, with or without reasonable accommodation, in a satisfactory manner.

D. Written evidence that a classified staff member can perform the essential functions of his/her position, with or without reasonable accommodation, may be required periodically by the Board from a physician of the Board's choosing with the Board assuming the expense of such an examination.

© Neola 2012

ag4160C

BOARD-ORDERED PHYSICAL EXAMINATIONS

4160C - **BOARD-ORDERED PHYSICAL EXAMINATIONS**

A. Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent, and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2).

   Such report should indicate whether the candidate can perform the essential functions of the position with or without accommodation.

B. Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA). In the event of a report, indicating that the candidate is not qualified to perform the essential functions of the position, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent or his/her designee may discuss the results of the report with the healthcare provider who performed the medical examination prior to the Superintendent making a recommendation to the Board.

C. Information from medical examinations required of any employee (post-employment) will be handled in the same manner.

ag4162A

MEMORANDUM TO CDL LICENSE HOLDERS REGARDING THE DISTRICT'S DRUG-TESTING PROGRAM

4162A - **MEMORANDUM TO CDL LICENSE HOLDERS REGARDING THE DISTRICT'S DRUG-TESTING PROGRAM**

The purpose of the Board of Education's drug-testing program is to institute and maintain a program for achieving the objective of a drug-free workforce and to provide a workplace that is free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances. (See Form 4162 F1)

The program will assist CDL license holders in understanding and avoiding the perils of illegal drug use and controlled substance abuse. The Board will provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The drug-free awareness program will inform CDL license holders about:

A. the dangers of illegal drug use and controlled substance abuse;

B. the Board's policy on drug-free schools, drug testing, and others related to the use of controlled substances (see the Appendix);

C. the availability of treatment and counseling for employees who voluntarily seek such assistance;

D. the sanctions the Board will impose for violations of its policies related to this program.

Definitions

Please see definitions in Board Policy 4162 as contained in the Appendix for definitions of key terms used throughout this program.

District Coordinator

The Transportation Supervisor shall be the coordinator of the Board's drug-testing program and the person to be contacted for answers to any questions that a staff member may have.

Supervisors and other appropriate personnel will be trained in drug abuse recognition and the Board's procedures for handling and assisting CDL license holders who are subject to the effects of illegal drug use or controlled substance abuse.

RULES RELATED TO THE DRUG-TESTING PROGRAM

All CDL license holders are expected to abide by Board policies related to drug use and drug testing as well as the following rules. Any violation will lead to disciplinary action up to and including termination of employment.

Possession/Use/Sale/Distribution

No CDL license holder shall possess, use, sell, or distribute alcohol or engage in illegal possession, use, sale, or distribution of drugs while on duty, operating a Board-owned and/or operated ("Board-owned")vehicle, or performing a safety-sensitive function.

Pre-Duty Use

No CDL license holder shall perform safety-sensitive functions nor operate a Board-owned vehicle within four (4) hours after using alcohol and shall not be currently involved in illegal use of drugs.

Use Following an Accident

No CDL license holder required by Federal law to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the CDL license holder undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substances Test

No CDL license holder shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test required by Federal law. The Board shall not permit a CDL license holder who refuses to submit to such tests to perform or continue to perform safety-sensitive functions or operate a District vehicle.

Controlled Substances Use

No CDL license holder shall report for duty or remain on duty when the CDL license holder uses any controlled substance, except when the use is prescribed by a physician who has advised the CDL license holder that the substance does not adversely affect the CDL license holder's ability to safely operate a Board-owned vehicle or perform safety-related functions.

Authorized Use of Prescribed Medicine

A staff member undergoing prescribed medical treatment with any drug or controlled substance that may impair the staff member's physical or mental ability should report this treatment to the Transportation Supervisor who may refer to a medical examiner to determine whether use of the drug or controlled substance requires a temporary change to the staff member's job assignment during the period of treatment.

General Rules

Discipline will also be imposed if a CDL license holder:

A. fails to enroll, when requested by the Board, in alcohol or other drug treatment or counseling program and/or fails to adhere to the requirements of the program;

B. is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace;

C. fails to immediately notify the Board of any indictment for any felony offense or conviction of a drug offense under any criminal drug statute;

D. does not comply with regulations promulgated under any testing program.

Consequences for Violation of the Drug-Free Policy

In addition to any disciplinary action, the Board may, in its sole discretion, refer the staff member to a treatment or counseling program for illegal drug use or controlled substance abuse. CDL license holders referred to such a program by the Board must immediately cease any illegal drug use or controlled substance abuse, must consent to

unannounced testing, and must comply with all other conditions of the treatment or counseling program and disciplinary action. Appropriate Board representatives shall determine whether a staff member, referred for illegal drug use or controlled substance abuse treatment or counseling, shall be reassigned to another available position.

After successful completion of all requirements, the staff member-CDL license holder will again be subject to the testing program which applies to CDL license holders who are applying for employment.

Removal from Safety-Sensitive Functions

A CDL license holder who tests positive for drugs or alcohol shall be removed from safety-sensitive functions, including driving. If a CDL license holder is found to have an alcohol concentration of any detectable amount, the CDL license holder shall be prohibited from performing any and all safety-sensitive functions (including driving) until the start of the CDL license holder's next regularly-scheduled shift, but not less than twenty-four (24) hours following the administration of the test. If a CDL license holder is found to have an alcohol concentration of any detectable amount, the CDL license holder shall immediately be removed from duty and prohibited from performing any and all safety-sensitive functions (including driving) for the period of time specified by a Substance Abuse Professional and until the CDL license holder completes the Return-to-Duty ("RTD") process and the Covered Employee's Federal Motor Carrier Safety Act ("FMCSA") Drug and Alcohol Clearinghouse status is changed from “prohibited” to “not prohibited”. Nothing in this provision shall preclude the Board from imposing discipline, up to and including termination of the CDL license holder's employment.

TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

The Board has established a testing program for alcohol, illegal drugs, and controlled substances for all CDL license holders and will, in its sole discretion, determine and may at any time change the requirements, extent, and frequency of staff member testing.

General Procedure

A. The Board will afford applicants and CDL license holders the opportunity, prior to testing, to list all prescription and nonprescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances. Failure of any applicant or staff member to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the applicant or staff member tests positive shall constitute a violation of these rules.

B. Applicants and CDL license holders subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the District's Medical Review Officer ("MRO"), and authorizing the disclosure of the results by the MRO to the Transportation Supervisor, the Superintendent, and/or the Board of Education. The MRO will obtain the results of the analyses and communicate or disclose

such results to the parties named above in accordance with the Board's policies and procedures and appropriate sections of the negotiated agreement.

C. The Board may use such information in connection with District business and for purposes of employment and disciplinary actions, and may disclose it when required to Government agencies and to others upon valid legal requests.

D. The procedures that will be used for the testing for alcohol and drug use shall protect the CDL license holder and the integrity of the testing processes, safeguard the validity of the test results, and confirm the results are attributed to the correct staff member.

E. The Board, prior to taking any action, will give all CDL license holders who test positive the opportunity to explain in writing the test results. Failure of any staff member to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the staff member tests positive shall constitute a violation of these rules.

F. The Board will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all Government agencies.

Pre-Employment Testing

Prior to employment or upon receipt of a CDL license, each CDL license holder shall undergo testing for controlled substances. If already employed, each CDL license holder shall undergo testing for alcohol and controlled substances. If an alcohol test result indicates an alcohol content of any detectable amount, the candidate will be retested after a waiting period of twenty-four (24) hours.

A pre-employment test for controlled substances will not be required if the CDL license holder has participated in a drug-testing program that meets Federal requirements within the previous thirty (30) days and while participating in that program, either was tested for controlled substances within the past six (6) months from the date of application to the District or participated in a random controlled substances testing program for the previous twelve (12) months from the date of application. The CDL license holder must also verify that the CDL license holder has no record of a violation of drug use during the previous six (6) months. The candidate shall sign Form 4162 F3 authorizing the release of the information from the previous testing to the District.

The Transportation Supervisor shall contact the alcohol and/or controlled substances testing program(s) in which the CDL license holder participated and obtain the following information:

A. name and address of the program

B. verification that the CDL license holder participated in the program

C. verification that the program conforms to Federal law

D. verification that the CDL license holder is qualified as described above and has not refused to be tested for alcohol or controlled substances

E. the date the CDL license holder was last tested for alcohol and controlled substances

F. the results of any tests taken within the previous six (6) months and any other use violations

Post-Accident Testing

As soon as practicable following an accident involving a District vehicle, the District shall test for alcohol and controlled substances of each surviving CDL license holder who:

A. was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

B. receives a citation under State or local law for a moving traffic violation arising from the accident.

Alcohol Tests

If a test is not administered within two (2) hours following the accident, the Transportation Supervisor shall file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the test shall not be administered and the record shall indicate the reasons why the test was not administered. The record shall be submitted to the FHWA upon request.

Drug Tests

If a test is not administered within thirty-two (32) hours following the accident, the Transportation Supervisor shall cease attempts to administer the test and file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request.

A CDL license holder who is subject to post-accident testing shall remain readily available for such testing or shall be deemed by the Board to have refused to submit to testing. The required testing shall not delay necessary medical attention for injured people following an accident or prohibit a CDL license holder from leaving the scene

of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The Board shall provide each CDL license holder with necessary post-accident information, procedures, and instructions, prior to the CDL license holder operating a Board-owned vehicle.

Random Testing

Whenever a trained administrator has a reasonable suspicion that a CDL license holder has used illegal drugs or engaged in controlled-substance abuse, whether during working hours or nonworking hours, on or off Board-owned premises, the Board may require the staff member to submit a urine or other acceptable sample for testing, as prescribed by the Board.

Each year, CDL license holders shall be subject to random alcohol testing and random drug testing based on Federal DOT requirements.

The selection of CDL license holders for random alcohol and controlled substances testing shall be made by a scientifically valid method provided by the Board-selected drug-testing facility. Under the selection process used, each CDL license holder shall have an equal chance of being tested each time selections are made.

(If the Board conducts random testing for alcohol and/or controlled substances through a consortium, the number of CDL license holders to be tested may be calculated for each individual District or may be based on the total number of CDL license holders covered by the consortium.)

The Transportation Supervisor shall ensure that random alcohol and controlled substances tests are unannounced and that the dates for such tests are spread reasonably throughout the calendar year.

Each CDL license holder who is notified of selection for random alcohol and/or controlled substances testing shall be relieved of any job responsibilities as soon as possible and proceed to the test site immediately.

A CDL license holder shall be tested for alcohol only while the CDL license holder is performing safety-sensitive functions, just before the CDL license holder is to perform safety-sensitive functions, or just after the CDL license holder has ceased performing such functions.

Reasonable Suspicion Testing

The District shall require a CDL license holder to submit to an alcohol test when the Transportation Supervisor has reasonable suspicion to believe that the CDL license holder is under the influence of alcohol or a controlled substance. Such reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the CDL license holder.

A CDL license holder may be directed by the Transportation Supervisor to undergo reasonable suspicion testing only while the CDL license holder is performing, just before the CDL license holder is to perform, or just after performing safety-sensitive functions or operating a District vehicle.

The time periods and record-keeping requirements for such testing are the same as those required for post-accident testing.

If the test results indicate that the CDL license holder is under the influence of or impaired by alcohol, the Board shall not permit the CDL license holder to continue to operate a Board-owned vehicle or perform safety-sensitive functions as described above (see **Removal from Safety-Sensitive Functions**).

The Transportation Supervisor shall file a signed, written record of the observations leading to a controlled-substance, reasonable-suspicion test within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

Return-to-duty Testing

The Transportation Supervisor shall ensure that, before a CDL license holder returns to duty after engaging in prohibited alcohol and/or controlled substance conduct, the CDL license holder undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and a verified negative result for illegal drug use.

Follow-Up Testing

If the CDL license holder is receiving assistance in resolving problems associated with alcohol misuse and/or use of controlled substances from a qualified, substance-abuse professional, the CDL license holder shall be subject to unannounced follow-up alcohol and/or controlled substances testing as determined by the substance-abuse professional and consisting of at least six (6) tests within the first twelve (12) months of the CDL license holder's return to duty. All such tests shall be conducted in accordance with Federal rules.

© Neola 2025

HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY

4162B - **HANDLING OF TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY**

MAINTENANCE OF RECORDS

The Transportation Supervisor shall maintain the following specific records for the time period indicated in the schedule that follows the listing.

A. Records related to the collection process:

1. Collection logbooks, if used;

2. Documents relating to the random selection process;

3. Calibration documentation for evidential breath testing devices;

4. Documentation of breath alcohol technician training;

5. Documents generated in connection with decision to administer reasonable suspicion alcohol or controlled substances test;

6. Documents generated in connection with decisions on post-accident tests;

7. Documents verifying existence of a medical explanation of the inability of a CDL license holder to provide adequate breath or to provide a urine specimen for testing; and

8. Consolidated annual calendar year summaries submitted to the FHWA.

B. Records related to a CDL license holder's test results:

1. The Board's copy of the alcohol test including the results of the test;

2. The Board's copy of the controlled substances test chain of custody and control form;

3. Documents sent by the Medical Review Officer (MRO) to the Board;

4. Documents related to the refusal of any CDL license holder to submit to an alcohol or controlled substances test required by this part; and

5. Documents presented by a CDL license holder to dispute the result of an alcohol or controlled substances test administered under this part.

C. Records related to alcohol and controlled substances violations.

D. Records related to evaluations:

1. Records pertaining to a determination by a substance abuse professional concerning a CDL license holder's need for assistance; and

2. Records concerning a CDL license holder's compliance with recommendations of the substance abuse professional.

E. Records related to education and training:

1. Materials on alcohol misuse and controlled substance use awareness, including a copy of the Board's policy on alcohol misuse and controlled substance use;

2. Documentation of compliance with the requirements of employee notification, including the CDL license holder's signed receipt of education materials;

3. Documentation of training provided to the supervisor for the purpose of qualifying the supervisor to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; and

4. Certification that any training conducted complies with Federal requirements.

F. Records related to drug testing:

1. Agreements with collection site facilities, laboratories, medical review officers, and consortia;

2. Names and positions of officials and their role in the Board's alcohol and controlled substances testing program(s);

3. Monthly laboratory statistical summaries of urinalysis;

4. The Board's drug testing policy and procedures.

G. Records related to alcohol testing:

1. Records of the inspection and maintenance of each Evidential Breath Tester used in CDL license holder testing; (Two (2) years)

2. Documentation of the compliance with the Quality Assurance Plan for each EBT used for alcohol testing; (Two (2) years)

3. Records of the training and proficiency testing of each BAT used in CDL license holder testing; (Two (2) years)

4. Records pertaining to the calibration of each EBT used in alcohol testing, including records of the results of external calibration checks. (Five (5) years)

RETENTION OF RECORDS

The Transportation Supervisor shall maintain records of all alcohol misuse and controlled-substances use prevention programs. The records shall be maintained in a secure location with controlled access and in accordance with the following schedule:

A. **Five (5) Years**

1. Records of CDL license holder alcohol test results indicating an alcohol concentration of 0.02 or greater

2. Records of CDL license holder verified positive controlled substances test results

3. Documentation of refusals to take required alcohol and/or controlled substances tests

4. Calibration documentation

5. CDL license holder evaluation and referrals

6. A copy of each annual calendar year summary submitted to the FHWA by March 15th

B. **Two (2) Years**

Records related to the alcohol and controlled substances collection process (except calibration of breath testing devices) and training.

C. **One (1) Year**

Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.

LOCATION OF RECORDS

All records pertaining to employees shall be maintained as confidential records in accordance with Federal law and District guidelines. All other records shall be maintained by the Transportation Supervisor and shall be made available for inspection at Board Office within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM

The Transportation Supervisor shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. This summary must be completed by March 15th of each year.

If the Board is notified, during the month of January, of a request by the Federal Highway Administration to report the District's annual calendar year summary information, the Transportation Supervisor shall prepare and submit the report to the Federal Highway Administration by March 15th of that year. The Transportation Supervisor shall ensure that the annual summary report is accurate and received by March 15th at the location that the Federal Highway Administration specifies in its request. The report shall be in the form and manner prescribed by the Federal Highway Administration in its request. When the report is submitted to the Federal Highway Administration by mail or electronic transmission, the information requested shall be typed, except for the signature of the Superintendent.

A. If an annual calendar year summary contains information on a verified positive controlled substances test result, an alcohol screening test result of 0.02 or greater, or any other violation of alcohol misuse, the following information must be included:

1. number of CDL license holders;

2. number of urine specimens collected by type of test (e.g., pre-employment, random, reasonable suspicion, post-accident);

3. number of verified results by a MRO by type of test, and type of controlled substance;

4. number of negative controlled substance tests verified by a MRO by type of test;

5. number of persons denied a position as a CDL license holder following a pre-employment verified positive controlled substances test and/or a pre-employment alcohol test that indicates an alcohol concentration of 0.04 or greater;

6. number of CDL license holders with tests verified positive by the MRO for multiple controlled substances;

7. number of CDL license holders who refused to submit to an alcohol or controlled substances test required under this subpart;

8. number of supervisors who have received required alcohol and controlled-substances training during the reporting period;

9. number of screening alcohol tests by type of test and number of confirmation alcohol tests, by type of test;

10. number of confirmation alcohol tests indicating an alcohol concentration of 0.02 or greater but less than 0.04, by type of test;

11. number of confirmation alcohol tests indicating an alcohol concentration of 0.04 or greater, by type of test;

12. number of CDL license holders who were returned to duty, having complied with the recommendations of a substance abuse professional, previously had a verified positive controlled substance test result, or engaged in prohibited alcohol use;

13. number of CDL license holders who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and an alcohol test result indicating an alcohol concentration of 0.04 or greater;

14. number of CDL license holders who were found to have violated any nontesting prohibitions and any action taken in response to the violation.

B. If the District's annual calendar year summary contains only negative controlled substance test results, alcohol screening test results of less than 0.02, and does not contain any other violations described in these guidelines, the Transportation Supervisor may prepare and submit either all the information described above or an EZ report containing the following:

1. number of CDL license holders

2. number of urine specimens collected by type of test (e.g., pre-employment, random, reasonable suspicion, post-accident)

3. number of negatives verified by a Medical Review Officer by type of test

4. number of CDL license holders who refused to submit to an alcohol or controlled substances test required under this subpart

5. number of supervisors who have received required alcohol and controlled substances training during the reporting period

6. number of screen alcohol tests by type of test

7. number of CDL license holders who were returned to duty, having complied with the recommendations of a substance abuse professional in this reporting period, previously had a verified positive controlled substance test result, or engaged in prohibited alcohol use under the provisions of this part

Note

If the Board is involved in a consortium, the consortium may prepare the annual calendar year summaries and reports on behalf of individual boards.

© Neola 2012

ag4170A

SUBSTANCE ABUSE

4170A - **SUBSTANCE ABUSE**

Any classified staff member whose physical characteristics, appearance, behavior, or breath odor suggests to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalyzer test at the local police station or local health facility. The classified staff member shall be taken to the station or local health facility by a supervisor.

Should the classified staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a classified staff member by the Superintendent, who shall recommend to the Board of Education the imposition, if any, of further penalties.

Should a supervisor determine from the physical aspects, appearance, or behavior of a classified staff member that s/he might be under the influence of other drugs, said classified staff member shall be immediately taken to a local health facility for further diagnosis. Should the classified staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a classified staff member, and his/her case immediately referred to the Board for disposition.

Rebuttable Presumption

Should a classified staff member sustain 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. Should the classified staff member test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive workers' compensation benefits, 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).

An alcohol or drug test is considered to be a qualifying chemical test for purposes of the Workers Compensation Act if it is administered to the employee after a work-related injury under at least one (1) of the following conditions:

A. when the employee's supervisor has reasonable cause to suspect (i.e., reasonable suspicion) that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician

   Reasonable suspicion includes, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts

in light of experience and training, such as:

1. observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;

2. a pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;

3. the identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;

4. a report of use of alcohol or a controlled substance provided by a reliable and credible source; or

5. repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.

B. at the request of a police officer pursuant to a traffic stop, and not at the request of the Board or

C. at the request of a licensed physician who is not employed by the Board, and not at the request of the Board

Laboratories certified by the United States Department of Health and Human Services or laboratories that meet or exceed the standards of that Department for laboratory certification must be used for processing the test results of such alcohol or drug test.

ag4179

STAFF CONCERNS

4179 - **STAFF CONCERNS**

If one or more staff members have a nongrievable concern about the behavior of a fellow professional or about some aspect of the operation of the school or District that is not functioning as it should, or in accordance with an agreed-upon plan, or because an informal commitment by the administration is not being fulfilled, the staff member(s) should make arrangements to discuss the matter with the school supervisor as soon as feasible.

If the matter is not or cannot be rectified satisfactorily by the supervisor, the staff member(s) may request a meeting with the Superintendent. The request should be in writing and include:

A. the specific nature of the problem and a brief statement of the facts giving rise to it;

B. a brief statement explaining how the staff member(s) are being affected by it;

C. the action which the staff member(s) wishes to be taken and how such action would rectify the problem.

The Superintendent, after reviewing the request, will either meet with the staff member(s) or provide a written decision explaining the District's position on the matter.

ag4211

WHISTLEBLOWER PROTECTION

4211 - **WHISTLEBLOWER PROTECTION**

The Board of Education encourages all employees, acting in good faith, to report suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 4211) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Violations by the District

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

    1. the Superintendent or his/her designee;

       If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

    2. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced District employees or officials.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency within twenty-four (24) hours of either receiving oral notification or a

written report of the possible violation.

1. The supervisor or other District official shall notify the employee in writing of any effort of the District to correct the alleged violation or hazard or the absence of the alleged violation or hazard.

2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.

D. If the District does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

1. the prosecuting authority of the county or municipal corporation where the violation occurred;

2. a peace officer;

3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or

4. any other appropriate public official or agency having regulatory authority over the District, and the activities in which the District is engaged.

E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the District, and the activities in which the District is engaged, of any possible violation of the following O.R.C. Chapters that is also a criminal offense:

1. Chapter 3704 - Air Pollution Control;

2. Chapter 3734 - Solid and Hazardous Wastes;

3. Chapter 6109 - Safe Drinking Water; or

4. Chapter 6111 - Water Pollution Control.

Reporting Violations by Other Employees

A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible

violation to the Superintendent or his/her designee.

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other District official, a written report providing sufficient detail to identify and describe the possible violation.

Reporting Other Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other District official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other District official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted, at the conclusion of the investigation.

Auditor of State's Fraud-Reporting System

In addition to or instead of filing a written report with his/her supervisor or other District authority, an employee may file a report using the Auditor of State's fraud-reporting system in accordance with Revised Code 117.103 or may file a written report in accordance with Section 126.45.

Duty to Determine Accuracy of Possible Violations

A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.

C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

Prohibition Against Retaliation

A. No employee shall be disciplined or retaliated against for reporting a possible violation by the District or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:

1. terminating or suspending the employee;

2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;

3. transferring or reassigning the employee;

4. denying the employee a promotion that s/he would have otherwise received; or

5. reducing the employee in pay or position.

C. If disciplinary or retaliatory action is taken against an employee for reporting a possible violation, the employee may file a civil action in the Court of Common Pleas for appropriate injunctive relief, remedies, or both, within 180 days after the date the disciplinary or retaliatory action was taken.

© Neola 2012

ag4235

JURY DUTY/COURT APPEARANCE

4235 - **JURY DUTY/COURT APPEARANCE**

Staff members shall report to their immediate supervior when they are called for jury duty or a court appearance.

Staff members who choose to serve on a jury will not be penalized for doing so. They will receive full pay, if they endorse the check received from the court or pay the amount shown on their record slip less travel allowance within fifteen (15) days of return from jury duty.

While on jury duty, staff members are required to report daily their schedule for the following day, and must report to work when excused for a day or more or suffer loss of pay.

The time spent on jury duty will not be charged against personal leave and will count as time on-the-job.

Staff members must submit to the Treasurer a record from the courts of the number of days served.

ag4251

EXTRA DUTY

4251 - **EXTRA DUTY**

A. Classified staff shall not work hours beyond their regular schedule until the procedure outlined below has been met.

B. When additional work time is necessary, the immediate supervisor of the staff member shall secure approval from the Superintendent.

C. At no time shall compensatory time, time off during regular working hours, be used to provide for extra duty time.

D. Extra duty pay, at time and one-half the regular pay rate, shall be paid only after the completion of a forty (40) hours per week of work.

E. Extra duty pay, at time and one-half the regular pay rate, shall be paid only for hours actually worked in excess of a forty (40) hour week and shall not be paid if the employee has used time-off with pay provisions of other policies such as emergency leave, sick leave, holiday pay, vacation pay, etc. during the same forty (40) hour week.

ag4362A

REPORTING THREATENING BEHAVIORS

4362A - **REPORTING THREATENING BEHAVIORS**

Threatening behavior may take different forms including, but not limited to, the following:

A. face-to-face encounters in which words are used that indicate to the staff member that his/her safety and well-being are in jeopardy

B. any conduct or written/oral communications that include comments toward the staff member or his/her family which would imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence

C. written or spoken comments to a staff member which could subject him/her to blackmail or extortion

D. written or spoken communication that would imply or explicitly state that some form of damage may be done to the staff member's property or that of his/her family

Any staff member who believes that s/he is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, or other person associated with the District such as a vendor, contractor, volunteer, or school official should take promptly the following steps:

A. If the alleged threatener is the staff member's supervisor, the affected employee should, as soon as possible after the incident, contact the Superintendent.

B. If the alleged threatener is not the staff member's supervisor, the affected staff member should, as soon as possible after the incident, contact his/her supervisor.

C. If the alleged threatener is a student of the District, the supervisor, if not the student's principal, should immediately inform the student's principal of the alleged threat.

The staff member may make contact either by a written report or by telephone or personal visit. During this contact, the reporting staff member should provide the name of the person(s) whom s/he believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the staff member receiving the report and forwarded to the Superintendent.

Each report received by the supervisor or principal as provided above, shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the matter outside of the investigation.

The purpose of this provision is to:

A. protect the confidentiality of the staff member who files a complaint;

B. encourage the reporting of any incidents of threat;

C. protect the reputation of any party wrongfully charged with threatening conduct.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then appropriate, remedial, and/or disciplinary action will be taken immediately to prevent the continuance of the threat or its recurrence.

The District recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the District recognizes that false accusations of threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the District.

ag4362

ANTI-HARASSMENT

4362 - **ANTI-HARASSMENT**

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. Verbal:

   The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. Nonverbal:

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. Physical Contact:

   Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, ancestry, or genetic information may take different forms, including, but not limited to, the following:

1. Verbal:

   The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

2. Nonverbal:

   Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

3. Physical:

   Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. hugging, kissing, or other physical contact with a student
2. telling sexual jokes to students
3. engaging in talk containing sexual innuendo or banter with students
4. talking about sexual topics that are not related to curriculum
5. showing pornography to a student
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)

13. giving gifts or money to a student for no legitimate educational purpose

14. accepting gifts or money from a student for no legitimate educational purpose

15. being overly "touchy" with students

16. favoring certain students by inviting them to come to the classroom at non-class times

17. getting a student out of class to visit with the staff member

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)

20. being alone with a student behind closed doors without a legitimate educational purpose

21. telling a student "secrets" and having "secrets" with a student

22. other similar activities or behavior.

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 4362, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs and ancestry of the victim,and in the case of genetic information harassment, the genetic information of the employee victim;

F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;

G. the number of alleged harasser(s);

H. the age of the alleged harasser(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or education performance or environment;

L. the context in which the alleged incidents occurred;

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and

N. whether a particular action or incident constitutes a violation of Policy 4362 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's written report to the Superintendent should contain the following information/documentation:

A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);

B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;

F. the outcome of the investigation; and

G. the response of school personnel, and, if applicable, District-level officials, including the date any incident was reported to local law enforcement or children services.

© Neola 2013

ag4419.01

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The following administrative guidelines apply to the self-funded group health plans maintained by the Board:

A. Training: The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information. The Privacy Official shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

B. Business Associate Agreements: The Privacy Rule requires a group health plan to enter into business associate agreements with its third party vendors. The Privacy Official shall retain counsel to draft and negotiate these business associate agreements. The Privacy Official will oversee the review of existing business associate agreement to verify compliance with current laws. The Privacy Official shall verify that business associate agreements are entered into with new vendors.

C. Notice of Privacy Practices: The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The Privacy Official shall retain counsel to draft the Notice of Privacy Practices. The Privacy Official shall subsequently distribute these notices to existing group health plan participants. If there is a material change to the Notice, then the Notice shall be distributed as follows:

1. If the group health plan posts its Notice on its website, then the plan may post the revised Notice on its website by the effective date of the material change, and then provide a hard copy of the Notice (or information about the material change and how to obtain the revised Notice) in its next annual mailing; or

2. If the group health plan does not have a website, then the plan may provide the revised Notice (or information about the material change and how to obtain the revised Notice) to individuals covered by the plan within sixty (60) days of the material revision to the Notice.

   The Privacy Official shall notify all participants in the Plan of the availability of the Notice and how to obtain the Notice annually.

D. Safeguards: The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Official shall implement these safeguards in a reasonable and appropriate manner.

   The Security Official shall seek the services of a third party to perform an information technology risk analysis to identify and protect against reasonably anticipated threats to the security or integrity of electronic Protected Health Information, if applicable.

E. Amendment of Plan Documents: The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Official shall assist other school personnel in determining whether and how plan documents should be amended.

F. Participant Rights: The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Official shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

G. Participant Rights: The Privacy Official shall develop a breach notification procedure. A breach occurs when there has been an acquisition, access, use or disclosure of Protected Health Information in a manner not permitted under the Privacy Rule, which compromises the security or privacy of the Protected Health Information. The Privacy Official shall train workforce members on the breach notification procedures.

© Neola 2014

ag4421

REPLACEMENT FEDERAL GROUP HEALTH CONTINUATION (COBRA)

4421 - **FEDERAL GROUP HEALTH CONTINUATION (COBRA)**

Qualifying Event

A. A covered employee shall be offered the opportunity to continue the District's group health coverage if the employee loses coverage under the Plan upon either of the following "qualifying events":

1. voluntary or involuntary termination of employment for reasons other than "gross misconduct"

   Gross misconduct may be intentional, wanton, willful, deliberate, reckless or in deliberate indifference to the District's interests. It is misconduct beyond mere minor breaches of employee standards, but conduct which would be considered gross in nature.

2. reduction in the number of hours of employment

B. The spouse of a covered employee may continue the District's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

1. termination of the covered employee's employment for any reason than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. divorce or legal separation with the covered employeeAlso, if the employee reduces or eliminates group health coverage in anticipation of divorce or legal separation, then divorce or legal separation may be considered to be a qualifying event even though the spouse's coverage was reduced or eliminated prior to the divorce or legal separation.

4. death of the covered employeeThe spouse of a covered employee may continue the District's group health coverage if the spouse loses coverage under the Plan because of any of the following "qualifying events":

C. Dependent children may continue the group health coverage if the dependent child loses coverage under the Plan because of any of the following "qualifying events":

1. termination of covered employee's employment for any reason other than "gross misconduct"

2. reduction in the hours worked by the covered employee

3. loss of "dependent child" status under the Plan rulesUnder the Patient Protection and Affordable Care Act, the Plan must offer coverage for an adult child until the child attains age twenty-six (26).

4. divorce or legal separation of the covered employee

5. death of the covered employee

Notification by Qualified Beneficiaries

Qualified beneficiaries are required to notify the Plan Administrator of the following qualifying events in order to be eligible for COBRA continuation coverage: (a) divorce or legal separation of the employee and spouse; and (b) loss of eligibility for coverage of a dependent child. The qualified beneficiary is required to notify the Plan Administrator in writing of these events within sixty (60) days of the later of: (a) the date of the qualifying event; or (b) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event. Failure to comply with these rules will result in forfeiture of any COBRA continuation coverage.

COBRA Election

Qualified beneficiaries are required to elect COBRA continuation coverage within the sixty (60) day election period set forth in the Plan's COBRA election notice. Qualified beneficiaries have the right to elect to continue coverage that is identical to the coverage provided under the Plan. If a COBRA beneficiary does not elect COBRA continuation coverage within the sixty (60) day election period, then the COBRA beneficiary will forfeit his/her right to elect COBRA.

- a qualified beneficiary becomes entitled to Medicare benefits;

- during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled.

A qualified beneficiary is required to notify the District in writing if the qualified beneficiary becomes eligible for Medicare or becomes covered under another group health plan. In addition, if a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, the qualified beneficiary must notify the District of the fact within thirty (30) days after the Social Security Administration's determination.

© Neola 2016

ag4430.01B

FMLA RECORDKEEPING REQUIREMENTS

4430.01B - **FMLA RECORDKEEPING REQUIREMENTS**

The Treasurer is responsible for making, keeping, and preserving all relevant records pertaining to the Board of Education's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Treasurer is charged with keeping/preserving the records identified below in accordance with the District's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Treasurer' Office shall maintain records that disclose the following:

A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.

C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.

D. Copies of employee notices of leave furnished to the District under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.

E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

F. Premium payments of employee benefits.

G. Records of any dispute between the District and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or designee or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

© Neola 2013

ag4430.01

FMLA LEAVE

4430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "spouse" means all individuals in legal marriages, regardless of where they live. More specifically, the definition of "spouse" is a husband or wife as defined or recognized in the State where the individual was married ("place of celebration"), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single twelve (12) month period," to care for a covered service member with a serious injury or illness. The "single twelve (12) month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single twelve (12) month period" of leave, the remaining work weeks of leave are forfeited.

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.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; (2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; (3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term "son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents "in-law.")

The term "next of kin" means the service member's nearest blood relative, other than the covered service

member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single twelve (12) month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single twelve (12) month period," and then take another twenty-six (26) work weeks of leave in a different "single twelve (12) month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single twelve (12) month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition.

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.

5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military members stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes (1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; (2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; (3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and (4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

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.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents "in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the Superintendent a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave "to care for an immediate family member" must submit DOL Form (WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition").

Eligible employees who apply for FMLA leave for "the employee's own serious health condition" must submit DOL Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

The Superintendent shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; "Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave" or WH-385-V, "Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the

ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the Superintendent may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to his/her health care provider a HIPAA-compliant release form.

If the Superintendent or designee deems a medical certification to be incomplete or insufficient, the Superintendent or designee shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent or designee (i.e., the Board's health care provider, human resource classified, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

Employees who take leave for "the employee's own serious health condition", prior to returning to work, must submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and provided to his/her Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for "Qualifying Exigency Leave" must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

District Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in The Employees Rights and Responsibilities Notice changes, the Superintendent will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

© Neola 2015

ag4440A

JOB-RELATED EXPENSES

4440A - **JOB-RELATED EXPENSES**

Expenses which are incurred by classified staff members as a result of authorized travel in and outside of the District will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on school business, a classified staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business. For out-of-state travel, consideration shall be given to relevant cost-of-living differences.

Authorization

A. Travel within or outside the District is to be authorized by the Superintendent.

B. Travel to conventions or conferences away from the District which involve overnight stay will be authorized by the Superintendent for approval by the Treasurer. All such requests must be received in the Central Office at least ten (10) days prior to the date a decision is needed. Forms are available in each school office.

C. Overnight lodging shall be approved and costs reimbursed

Procedure

A. Each request for travel or conference funds should detail the reasons for the expenditures and should not be labeled in broad general terms.

B. Under normal conditions, officers and classified staff members traveling on official business shall provide themselves with sufficient funds of their own for ordinary expenses.

C. Travel should be by the most reasonable, direct and economical route.

D. All persons authorized to travel on official business should keep a memorandum and receipts of expenditures properly chargeable to the Board of Education. Classified staff members might find it advantageous to charge as many expenditures as possible on credit cards. The itemized statement may serve as a receipt, with reimbursement available to pay the charges.

E. For official travel other than by automobile, tickets may be purchased by the District in advance, upon request of the individual involved.

F. In all instances of travel reimbursement, full itemization of expenditures is required.

G. Those doing such traveling should be expected to exercise the same care in incurring expenses that they would in travel on personal business of their own. Excessive and unnecessary travel will not be approved or reimbursed.

Reimbursement

A. Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted.

B. Travel outside the School District will be reimbursed at the regular fare rate charged the general public by common carrier, unless travel by private conveyance is more economical, in which case mileage will be reimbursed at the IRS rate. Taxi fare from home and conference destination to terminal and return is allowable with receipt.

C. Employees shall request and accept, if available, the "government rate" on rooms.

D. Lodging and meals will be reimbursed at a reasonable per diem rate . All claims must be supported by original receipted bills.

E. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

F. Registration fees are reimbursable.

G. Sales tax on hotel bills is reimbursable.

H. If meals are included in registration fees, duplicate meals shall not be reimbursed.

ag4440B

USE OF PRIVATE CAR FOR SCHOOL BUSINESS

4440B - **USE OF PRIVATE CAR FOR SCHOOL BUSINESS**

The District has established the following means for providing reimbursement for the use of privately-owned vehicles used in the performance of assigned duties.

A. All classified staff will be assigned to a school or office which becomes the home station. It will be the responsibility of each individual to provide his/her own transportation from his/her residence to his/her assigned station and to any other assigned spot to attend meetings for administrative or training purposes.

B. When an individual's duties require his/her presence at other stations or places within or out of the District, reimbursement for travel may be requested. Such requests will be approved when the travel is scheduled or authorized by the Superintendent.

C. Regularly scheduled travel will be authorized when requisitioned in compliance with a printed schedule; e.g., special classified staff members are required to go from school to school on a regular schedule.

D. Sporadic or emergency travel will be authorized when made in connection with an assignment.

E. All personnel who are assigned duties at more than one (1) school will be listed by their immediate supervisor. This will not include the drivers to whom school vehicles are assigned. A requisition to cover their estimated travel will be submitted

F. Payments for authorized travel will be made provided itemized daily records are submitted on the proper forms. Persons who travel are advised to keep a daily log of their required business trips.

G. Reimbursement for travel, less the employee's commute, shall be paid at the standard Federal mileage rate as set by the IRS.

H. Private vehicles may be used for authorized school business only when the employee/owner maintains a valid driver's license and is insured under a liability policy that complies with R.C. 4509.51.

I. Gasoline, damages, needed service, or repairs to private vehicles are the responsibility of the employee/owner as these costs are included in the per-mile cost reimbursement.

© Neola 2005

ag4440C

USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS

4440C - **USE OF SCHOOL VEHICLE FOR SCHOOL BUSINESS**

The District has established the following guidelines for the use of school-owned vehicles in the performance of assigned duties.

A. Regularly scheduled use will be authorized by the Superintendent.

B. School personnel who are required to be on-call in case of after hour emergencies may be assigned a District vehicle for daily use. Such use will be authorized by the Superintendent.

1. Only school personnel will be authorized to operate the vehicle.

2. The vehicle is to be used only for school business.

3. Personal use of the vehicle must be approved by the Superintendent.

4. Personal use of school vehicles may be approved solely for transportation to and from work, for non-recurring personal errands on the way to and from work (if within a reasonable distance on a reasonably direct route between home and work), and for errands incidental to the use of the vehicle for school business. No personal use of school vehicles shall expose the Board to substantial additional risk of loss, damage, or liability.

C. Requirement for Continuation of School Vehicle Use:

1. No unauthorized personnel are allowed in these vehicles at any time without the approval of the immediate supervisor.

2. No repair work will be performed on the vehicle without approval.

3. All accidents and related injuries will be reported in writing immediately (no matter how minor) to the Superintendent. Drivers shall report to the Superintendent any parking or traffic ticket incurred while operating a school vehicle, along with proof of payment.

4. All accidents must be reported to the law enforcement agency where the accident takes place at the time of the accident.

5. The designated operator is responsible for cleanliness of the vehicle both inside and outside.

6. Before any out-of-district trips are made with the vehicle, the authorized driver shall check the vehicle for any maintenance problems.

7. Employees shall notify Superintendent of traffic violations such as DUI. The Board may annually check the employee's driving record. License suspensions or revocations shall be reported to the Superintendent immediately.

8. Drivers and passengers must wear seatbelts in accordance with Ohio law. Drivers shall obey all State and local traffic laws.

9. Transporting cargo unrelated to the performance of school business is prohibited.

ag5110

STUDENT HANDBOOKS

5110 - **STUDENT HANDBOOKS**

The guidelines and procedures by which students are to function while attending school in the District are to be contained in one (1) or more student handbooks. The principals at the elementary and secondary levels, working with each other and the District Administration are to develop appropriate handbooks which are consistent in content with relevant Board of Education policies and with these guidelines.

A. One (1) or more sections containing essential rules, procedures, and/or guidelines needed for students to function properly in the school environment so as to better accomplish their educational goals and the goals of the school. Such sections should include the following areas:

    1. Attendance

    2. Academics

    3. Co-curricular/Extra-curricular Activities

    4. Athletics (Grades 7–12)

    5. Emergency Procedures

    For each section, there should be an explanation indicating how the rules, procedures, and/or guidelines contribute to the effective operation of the school.

B. A section describing, in detail, the Code of Conduct. The Code should describe the behaviors, including dress and grooming, expected of the students on a day-to-day basis. It should also provide an explanation as to why those behaviors are important to the proper development of the student, the productive interactions among the people in the school, and the effective operation of the school.

    The Code should also describe those behaviors that will not be tolerated and why they are unacceptable. Such behaviors shall include but not be limited to:

    1. use, possession, or distribution of drug items defined in Board Policy 5530 and any paraphernalia associated with them;

    2. any illegal activity such as theft, gambling, forgery, extortion, possession of dangerous weapons, etc.;

    3. unethical actions such as lying or cheating;

4. any form of violence, rowdyism, or harassment;

5. any action that disrupts the school operation or environment;

6. any action that defaces, damages, or destroys personal or public property;

7. any form of littering or damage to the school environment;

8. any violation of Board policies, District guidelines, or school rules.

The section should also provide a description of the consequences and disciplinary actions up to and including expulsion for noncompliance with school rules and for unacceptable behavior. Included in this description must be a complete and accurate statement of the student's rights to due-process.

C. One (1) or more references including a Table of Contents, an Index, if needed and feasible, and appendices when appropriate. Section or chapter headings should be clearly labeled.

The information contained in each handbook should be clear and logically organized, accurate, and sufficient enough so that, when students and their parents refer to it, they can meet the intent of what has been stated.

Prior to the final publication and distribution of a handbook, the copy and proposed format are to be submitted to the Board of Education for final review and approval by no later than July 1.

Form 5500 F1 may be used to verify parents have read the student handbook.

© Neola 2012

ag5111

ADMISSION TO THE DISTRICT

5111 - **ADMISSION TO THE DISTRICT**

Qualifying for Admission

Students who qualify for admission to District schools, in accordance with Board of Education Policy 5111, shall be accepted when the following documents have been submitted:

A. a birth certificate or other appropriate documentary evidence

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. court orders allocating parental rights and responsibilities or other documents allocating custody or guardianship, if applicable

C. proof of residency consisting of a deed, building permit, rental agreement, tax statement, voter registration card, or completion of Form 5111 F2a or Form 5111 F2b

D. proof of immunization and/or statutory exception

E. a power of attorney designating the student's grandparent(s) as attorney-in-fact (Form 5111 F7) or a caretaker authorization affidavit (Form 5111 F8) executed by the student's grandparent(s) that provides the grandparent(s) with whom a student resides, 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 student's educational progress (also see Form 5111 F9)

Except in the case of a homeless child (see Policy 5111.01) or a child residing in a domestic violence shelter, no child shall be admitted to school in the District until proof of residency has been provided and proof of immunization is addressed in accordance with Policy 5320 and AG 5320. If a birth certificate is not available, the parent is to complete Form 5111 F3 and submit the documentary evidence called for therein. If the principal does not receive the child's birth certificate or one (1) of the acceptable alternatives to a birth certificate within fourteen (14) calendar days of the date of the child's enrollment, or the document appears of be inaccurate or suspicious, the principal shall notify the law enforcement agency where the student resided and the Niles City Police that the child may be a missing child. If there is a court order or decree allocating parental rights and responsibilities and designating who will be the resident parent and legal custodian, such order or decree must be submitted within fourteen (14) days of admission. If there is a court order or decree for custody or guardianship to other than a parent, a copy of the order or decree must be submitted within fourteen (14) days of admission. If all of these

required documents are not received within that time, the student should be presumed to be a missing child (See AG 5215).

Students presented for enrollment without a birth certificate or appropriate substitute, court orders allocating parental rights and responsibilities, or a grandparent power of attorney or caretaker authorization may be admitted under temporary enrollment for a period of fourteen (14) days, unless extended by the principal. Parents are to be so informed at the time of admission.

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.

The sending school shall be contacted within twenty-four (24) hours of the student's entry into the school and requested to send all appropriate records.

If the sending school indicates no record of the student's attendance, or the records are not received within fourteen (14) calendar days of the date of request, or if the student does not present a certification of birth or other documentary evidence, the principal shall immediately notify the law enforcement agency where the student resided and the Niles City Police that s/he may be a missing child.

A student who is living in the District under the care of a shelter for victims of domestic violence will not be denied admission because of delay in the forwarding of school records.

Immunization requirements are to be in accordance with AG 5320.

A student who has recently been either discharged or released from the custody of the Department of Youth Services (DYS) and is seeking admittance or re-admittance into the District, will not be admitted until the following records required to be released by DYS have been received by the Superintendent:

A. an updated copy of the student's school transcript;

B. a report of the student's behavior while in DYS custody;

C. the student's current Individualized Education Program (IEP), if an IEP has been developed for the child; and

D. a summary of the institutional record of the child's behavior.

The Superintendent shall keep such records confidential and may release them only as provided in State law regarding the privacy of a student's records and the Family Educational Rights and Privacy Act (FERPA) since the records are not considered public records for the purposes of required disclosure under Ohio public records law. The Superintendent will consider the records in determining the appropriate educational assignment of the student, including, but not limited to whether the student will be assigned to an alternative school in the District.

Homeless Students

Homeless students shall have equal access to the same free and appropriate education provided to all other students of the School District and will be enrolled in accordance with the requirements of Federal law. Students meeting the Federal definition of "homeless" will be immediately enrolled in the School District and assigned to a school building in accordance with the procedure set forth below, even if the homeless student cannot produce all of the documentation otherwise required for enrollment (including proof of residency and/or immunization, a birth certificate, and copies of previous school records). Parent(s) or guardian(s) of homeless students must provide contact information in case of an emergency.

In accordance with Federal law, a student shall be considered homeless if s/he is an individual who lacks a fixed, regular, and adequate nighttime residence and includes:

A. children who are sharing the housing of other persons due to the loss of housing, economic hardship or similar reasons; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters;

B. children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

C. children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

D. migratory children as defined in Federal law.

In assigning a homeless student to a school, the Superintendent shall consider the "best interest of the child," and will either:

A. continue to assign the student to the school attended when the student was permanently housed or to the school where the student was last assigned for the duration of the period of homelessness:

1. in any case in which a family becomes homeless between academic years or during an academic year; or

2. for the remainder of the academic year if the student becomes permanently housed during an academic year;

B. assign the homeless student to the school serving those non-homeless students residing in the area in which the homeless child is actually living.

To the extent feasible, in considering the "best interest of the child" for purposes of school assignment, the Superintendent will maintain a homeless student in the school where s/he was enrolled when permanently housed, or where last enrolled, except when such assignment would be contrary to the wishes of the student's parent(s) or guardian(s).

Upon determining a school of assignment for a homeless student, the Superintendent shall provide the parent(s) or guardian(s) with a written explanation regarding such decision including a statement of the parent(s)'/guardian(s)' right to appeal the decision to the Liaison for Homeless Students if the assignment is not to the school of assignment when the student was permanently housed or when last enrolled, or if the assignment is not to the school requested by the parent/guardian.

In the case of unaccompanied homeless students, the Superintendent directs the Liaison for Homeless Students to provide assistance in making enrollment or assignment decisions with specific consideration of the views of the unaccompanied student. The Liaison shall also make sure the unaccompanied student is provided notice of the right to appeal the Superintendent's assignment decision.

If a dispute arises over school assignment or enrollment, the homeless student will be immediately enrolled and assigned to the school in which enrollment is sought pending resolution of the dispute. In such cases, the Superintendent will refer the parent to the Liaison for Homeless Students who shall carry out dispute resolution as expeditiously as possible in accordance with Board policy and State guidelines.

The Board will provide transportation for homeless students at the request of the parent(s) or guardian(s). If the homeless student temporarily resides outside the boundaries of the School District but is eligible for assignment to a school of this District as set forth above and consistent with Federal law, the Liaison for Homeless Children, in cooperation with the Director of Transportation, will contact the Superintendent of the school district where the homeless student temporarily arises in order to establish a plan for joint transportation of the homeless student and to agree upon a method to apportion the responsibility and cost for providing such transportation.

Transferring Grades/Credit

Students in grades K-8 transferring from another district must submit an official transcript in order for the grades earned by the student to be recorded on the student's official transcript in this District. High school students transferring from another school district must submit an official transcript from the sending school in order for the student to receive credit for course work and to have the grades earned for completed coursework recorded on the student's official transcript in this District. Report cards will not be considered sufficient evidence for granting credit toward graduation.

Verifying Medical Conditions Qualifying a Student for Tuition-Free Admission in the District

Prior to admission and annually thereafter, parent(s) seeking admission for a school aged child under R.C. 3313.64(F)(3) because of a medical condition that may require emergency medical treatment shall:

A. submit Form 5111 F5 as Verification of regular employment at a location within the District during school hours;

B. submit Form 5111 F6, or a written statement on the physician's letterhead, describing the child's medical condition and certifying that the condition is such that there is a substantial likelihood that it may require emergency medical attention;

C. submit Form 5341 F1 Emergency Medical Authorization;

D. submit a current copy of the child's I.E.P. or 504 Accommodation Plan, if applicable.

If the student is admitted under this section, then the normal admission procedures shall apply.

Admission to the District Pursuant to a Power of Attorney or Caretaker Authorization Affidavit

If an individual indicates that s/he is attempting to enroll the child pursuant to a power of attorney or caretaker authorization affidavit, the School District official should:

A. verify that the individual attempting to enroll the child is the grandparent of the child;

B. verify that the child currently resides with the individual;

C. request that a copy of the power of attorney or caretaker authorization be produced.

This document should be provided in addition to those documents that are required to be produced by any and all other individuals who are seeking to enroll a child in the School District.[1]

D. review the power of attorney to verify that the document:

1. is identical in form and content to the form set forth in R.C. 3109.53 (see sample Power of Attorney Form 5111 F7).

2. is properly completed and executed by the child's:

    a. parent(s), guardian, or custodian granting the power of attorney (i.e., both parents or the parent who is the residential parent and legal custodian of the child) and

    b. grandparent who is designated as attorney in fact.

3. is duly notarized by an Ohio Notary Public.

4. has been filed with the juvenile court of the county in which the grandparent resides and/or any other court having jurisdiction over the child.

    a. if possible, have the individual provide a time-stamped copy of the power of attorney in order to demonstrate that it has been duly filed within five (5) days of the creation of the document.

    b. in addition, have the individual produce a copy of the receipt showing that notice of the creation of the document has been sent to the parent of the child who is not the residential parent and legal custodian. This receipt should be produced unless the power of attorney was created by both parents, or the non-residential parent's parental rights have been terminated, s/he cannot be located by reasonable efforts, or s/he is prohibited from receiving a notice of relocation.

E. review the caretaker authorization affidavit to verify that the document:

1. is identical in form and content to the form set forth in R.C. 3109.66 (see sample Caretaker Authorization Form 5111 F8).

2. is properly completed and executed by the child's grandparent.

3. is duly notarized by an Ohio Notary Public.

4. has been filed with the juvenile court for the county in which the grandparent resides and/or any other court having jurisdiction over the child.

    If possible, have the individual provide a time-stamped copy of the caretaker authorization affidavit

in order to demonstrate that it has been duly filed within five (5) days of the creation of the document.

5. request that the individual provide additional proof of residency in the School District, if necessary.

F. verify whether the child is currently serving a suspension or expulsion from a previous school district.[2]

G. verify that the power of attorney or caretaker authorization affidavit was not executed for the purpose of enrolling the child in the School District so that the child may participate in the academic programs or interscholastic athletic programs of the School District (language should be included in document).

Provision of District and Building Report Card

The school official responsible for admitting students shall give the Parent of each student who qualifies for admission to school in the District, or to the student if the student is at least eighteen (18) years old, a copy of the District's most recent report card showing the grade of the District and the grade of the building the student will attend.

"Parent" means either of the biological or adoptive parents of the student, except:

A. "Parent" means the residential parent as designated by a court when the parents are divorced, their marriage has been dissolved or annulled, or the parents are living separate and apart pursuant to a legal separation, except that:

When the parents are no longer married and have a shared parenting plan, "Parent" still means either parent.

B. When a court has granted legal custody of the student to an individual other than the biological or adoptive parent, or to an agency, "Parent" means the individual or agency with legal custody.

C. When a court has appointed a guardian for the student, "Parent" means the court-appointed guardian. A "guardian *ad litem,*" however, is not the "Parent."

D. "Parent" means the student's grandparent when the District enrolls the student pursuant to a grandparent power of attorney or a grandparent caretaker authorization affidavit.

If the District is unable to identify the parent of a homeless student at the time of admission, or the parent does not accompany the student, the District shall provide a copy of the report card to the student and to the person who accompanies the student.

[1]Request that the individual provide additional proof of residency in the School District, if necessary. This additional proof of residency may consist of reasonable evidence such as a deed, building permit, rental agreement, tax statement, voter registration card, etc.

[2]Similar to other children seeking enrollment in the School District, the School District, after offering an opportunity for hearing, may temporarily deny admittance to a child if s/he has been suspended or expelled under Ohio law and the period of suspension or expulsion has not expired.

© Neola 2018

ag5111.01

HOMELESS STUDENTS

5111.01 - **HOMELESS STUDENTS**

The Liaison for Homeless Children and Youth is responsible for safeguarding the rights of children and youth experiencing homelessness who attend school in this District. The Liaison must be notified immediately upon the enrollment or assignment of a homeless child/youth. The Liaison will coordinate District operations and services so that:

A. homeless children/youth are identified, with special attention given to the locating and enrolling of homeless children/youth who are not currently attending school;

B. homeless children/youth have a full and fair opportunity to succeed in school;

C. homeless families and children/youth receive all educational services for which they are eligible, including any District preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services;

D. parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children's education;

E. public notice of the educational rights of homeless children/youth is disseminated at locations where homeless families and children/youth receive services, such as schools, family shelters, soup kitchens, public aid offices, city hall, food pantries, public libraries, court houses, and police stations;

F. enrollment/assignment disputes between the District and homeless parents/guardians/unaccompanied youth are mediated/handled in accordance with Board policy, District guidelines, applicable laws, and the State Consolidated Plan;

G. the parents or guardians of any homeless child and any unaccompanied homeless minor are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school that is appropriately selected;

H. appropriate data is collected and reported regarding homeless children and youth as required by the U.S. Department of Education and the Ohio Department of Education for use in making necessary program adjustments.

Upon enrollment of a child or youth experiencing homelessness, the Liaison will coordinate with appropriate administrative staff to assure that the school last attended by the child/youth is immediately contacted to provide relevant academic or other relevant records. If upon enrollment the student does not have any immunization required for enrollment by State law or any other medical records, the Liaison will assist the family or student in obtaining the immunizations or necessary medical records. The Liaison will also contact the Director of Transportation to assure transportation of the homeless student is provided in accordance with the Board's Transportation Policy.

Any disputes regarding the enrollment or assignment of a homeless student will be referred to the Liaison for expeditious resolution. When a dispute arises over school selection or enrollment, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute, and shall be provided with all services for which they are eligible while the dispute is being resolved. Parents, guardians, and unaccompanied youth should be informed that they can provide written or oral documentation to support their views. Written documentation initiated at the building level or by the Liaison should be complete, as brief as possible, simply stated, and provided in a language the parent, guardian, or unaccompanied youth can understand.

The Liaison should attempt to resolve disputes within five (5) school days. Any dispute which cannot be resolved by the Liaison should be reported to the State Coordinator for the Education of Homeless Children and Youth at the Ohio Department of Education. According to State guidelines, the State Coordinator has an additional five (5) school days from the time of notification to bring about resolution. Individuals not satisfied with the State Coordinator's proposed resolution can appeal such decision to the State Superintendent of Public Instruction within five (5) school days for final resolution of the dispute.

As part of his/her assigned duties, the Liaison will coordinate and collaborate with the State Coordinator for Homeless Children and other community and school personnel responsible for providing education and related services to homeless children, including, but not limited to:

A. School District services with local social service agencies and other agencies or programs providing services to homeless children and their families; and

B. With other school districts on inter-district issues, such as transportation or the transfer of school records.

Such coordination should be designed to: (1) facilitate homeless children/youth having access and reasonable proximity to available education and related support services; and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

As part of his/her assigned duties, the Liaison for Homeless Children and Youth will inform school personnel, services providers and advocates working with homeless families about his/her duties.

© Neola 2014

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

In accordance with the Interstate Compact on Educational Opportunities for Military Children ("Compact") the following procedures will be followed when such children are students within the District.

APPLICABILITY

These guidelines apply to the children of:

A. active duty members of the uniformed services as defined in the Compact, including members of the National Guard and Reserve on active duty orders;

B. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

C. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

These guidelines do not apply to the children of:

A. inactive members of the National Guard and military reserves;

B. members of the uniformed services now retired, except as provided above;

C. veterans of the uniformed services, except as provided above; or

D. other United States Department of Defense personnel and other Federal agency civilian and contract employees not defined as active duty member of the uniformed services.

EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "Hand-Carried" Education Records - In the event that official education records cannot be released to the parents for the purpose of transfer, the building administrator shall prepare and furnish to the parent of an eligible student a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission.

Upon receipt of the unofficial education records for an eligible student, the District shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official Education Records/Transcripts - Simultaneously with the enrollment and conditional placement of the student, the District shall request the student's official education record from the sending school. Upon receipt of such a request from a receiving school, the District will process and furnish the official education records to the school within
ten (10) days or within such time as is established by the Interstate Commission.

C. Immunizations - Eligible students have thirty (30) days from the date of enrollment or within such time as promulgated by the Interstate Commission, to obtain or provide proof of State required immunization(s). For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time promulgated by the Interstate Commission.

D. Grade Level Placement - Eligible students shall be enrolled at the grade level in the District commensurate with their grade level (including Kindergarten) from the school in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in their prior school shall be eligible for enrollment in the next highest grade level in the District, regardless of age. A student transferring after the start of the school year shall enter the school in the receiving state on the grade level validated by an accredited school in the sending state.

PLACEMENT AND ATTENDANCE

A. Course Placement - When an eligible student transfers before or during the school year, the receiving district will initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, Vocational, Technical and Career Pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. The District may perform subsequent evaluations to verify appropriate placement and continued enrollment of the student in the course(s).

B. Educational Program Placement - The District will initially honor placement of the student in educational programs based on current educational assessments conducted at the sending school or the student's participation/placement in like programs at the sending school. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). The District may perform subsequent evaluations to verify appropriate placement of the student.

C. Special Education Services - In compliance with the Federal requirements of the Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. Section 1400 et seq., the District will initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP).

In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794 (as amended) and with Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165 (as amended), the District will make reasonable accommodations and modifications to address the needs of incoming students with disabilities subject to an existing 504 or Title II Plan, to provide the student with equal access to education. The District may perform subsequent evaluations to verify appropriate placement of the student.

D. Placement Flexibility - The District may, when determined appropriate, waive course/program prerequisites, or other preconditions for placement in courses/programs offered by the District to allow eligible students to participate.

E. Absence Related to Deployment Activities - A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with his/her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ELIGIBILITY

A. **Eligibility for Enrollment**

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. The District will not charge tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a district or jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a district or jurisdiction other than that of the custodial parent, may continue to attend the school in which s/he was enrolled while residing with the custodial parent.

B. **Eligibility for Extra-Curricular Participation** - The District will facilitate the opportunity for transitioning military children's inclusion in extra-curricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

GRADUATION

To facilitate the on-time graduation of children of military families the District will adhere to the following procedures:

A. **Waiver Requirements** - The District will waive specific courses required for graduation if similar course work has been satisfactorily completed in another district or provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from his/her sending school, the District will provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. **Exit Exams** - The District will accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in Ohio. In the event the above alternatives cannot be accommodated by Ohio for a student transferring in his/her Senior year, then the provisions of Section C below shall apply.

C. **Transfers During Senior Year** - Should a military student transferring at the beginning or during his/her Senior year be ineligible to graduate from the District after all alternatives have been considered, the District and the sending district shall ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district. In the event that the sending district is in a state that is not a member of the Compact, the District will use its best efforts to facilitate the on-time graduation of the student in accordance with A and B above in this Section.

DEFINITIONS

As used in this guideline the following definition will apply, unless the context clearly requires a different construction:

A. "Active Duty" means full-time status in the active uniformed service of the United States, including members of the National Guard and Reserves on active duty orders.

B. "Children of Military Families" means a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member.

C. "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.

D. "Education(al) Records" means those official records, files, and data directly related to a student and maintained by the school or District, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

E. "Extra-Curricular Activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the District. Extra-Curricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

F. "Interstate Commission" means the commission that is created under Article IX of the Compact.

G. "Member State" means a state that has enacted the Compact.

H. "Receiving State" means the state to which a military family is sent, brought, or caused to be sent or brought.

I. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

J. "Sending State" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

K. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

L. "Student" means: the child of a military family for whom the school receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

M. "Transition" means: 1) formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

N. "Uniformed Service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

O. "Veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

To the extent there is any inconsistency between this guideline and the current Rules implementing this Compact, the current Rules will prevail.

ag5112

ADMISSION TO KINDERGARTEN

5112 - **ADMISSION TO KINDERGARTEN**

Kindergarten Registration

The following guidelines shall be followed for the registration of all kindergarten students.

A. Children must be five (5) years old on or before the first day of instruction of the school year of admittance or be admitted pursuant to the District's early entrance criteria.

B. Children must be registered by their parent(s) or guardian(s). Guardians must present proper certification of legal guardianship and, when applicable, a parent is to provide a copy of any custody arrangements.

   If a birth certificate is not provided, the parent must complete Form 5111 F3 and submit it with the specified documentary evidence. If custody has been established by the courts, a copy of the court order must be provided.

   Children who are placed in a foster home or residential facility (as defined in Policy 5112) will not be denied admission solely because they do not present a birth certificate, comparable certification, or other comparable document upon registration. Such protected children will be admitted under temporary enrollment for a period of up to ninety (90) days to present the required documentation. The protected children and/or their parents, guardians, or custodians will be so informed at the time of initial admission.

C. Children transferring from another public or chartered nonpublic school kindergarten who do not meet the age requirements shall be admitted.

© Neola 2026

ag5113.02

SCHOOL CHOICE OPTIONS

5113.02 - **SCHOOL CHOICE OPTIONS**

School Improvement

If a student is attending a school within the District that has failed to make adequate yearly progress (AYP) in increasing student academic achievement, such student shall be allowed to attend another school within the district that made AYP, provided there is a school in the District that offers instruction at the student's grade level and such school has not been identified as being in the process of school improvement, corrective action, or restructuring and has not been identified as persistently dangerous.

Not later than the first day of school of the school year following the school year in which the school has been identified as failing to make AYP and in need of school improvement, corrective action, or restructuring by the State Board of Education, the Board will provide students and parents with the opportunity to transfer to another school within the District beginning with the start of the next school year. Priority will be given to the lowest achieving children from low income families within the District.

If the student elects transfer to another school within the District, such transfer will be in effect until the student's original school is no longer identified as being in the process of school improvement, corrective action, or restructuring and has made AYP for two (2) consecutive years. Additionally, although the transfer is temporary in nature, a student will be permitted to remain at the receiving school until s/he has completed the highest grade offered at the school.

The Board will provide students and parents with the opportunity to receive Supplemental Educational Services (SES) in any school no later than the first year following the building's identification as in school improvement, regardless of whether a transfer option is available (i.e., where all the schools at a grade level are in school improvement or there is only one school in the District for the student's grade level). SES will be provided outside the regular school day and may include such services as tutoring, remediation, and other educational interventions designed to increase student academic achievement.

Persistently Dangerous Schools

If a student is attending a school within the District that has been designated as "persistently dangerous" or has become the victim of a violent criminal offense, as determined by Ohio law, while in or on the grounds of the school that the student is assigned to attend, such student shall be allowed to attend another school within the District that is not persistently dangerous, provided there is a school in the District that offers instruction at the

student's grade level and such school has not been identified as being in the process of school improvement, corrective action, or restructuring.

Within ten (10) days after a school in the District has been designated as "persistently dangerous" by the State Board of Education, the Board will provide students and parents with notice of such designation and offer students the opportunity, at least fourteen (14) days of the start of the upcoming school year, to transfer to a safe school within the District beginning at the start of the next school year.

If a student elects to be transferred to a safe school, the Board will make reasonable efforts to transfer the student within thirty (30) days. Such transfer will be in effect as long as the student's original school is designated as persistently dangerous. Although the transfer will be temporary in nature, a student may be permitted to complete his/her education through the highest grade level at the receiving school. In making its decision, the Board will consider the educational needs of the student, including the student's ability to succeed if returned to the original school.

Victim of Violent Crime

If student is identified as the victim of a violent criminal offense, as determined by Ohio law (i.e., the student has been identified as the victim and the perpetrator has plead guilty to or been adjudicated or convicted of a violent criminal offense in Ohio court), s/he will be provided notice of the opportunity to transfer to another school within the District that is not persistently dangerous and has not been identified as being in the process of school improvement, corrective action, or restructuring. Such notice shall be provided prior to the start of the next school year.

© Neola 2019

ag5114A

FOREIGN STUDENTS ON VISA (I-20)

5114A - **FOREIGN STUDENTS ON VISA (I-20)**

Foreign students are classified as those students who are not participating in an agency-sponsored foreign-exchange student program and are not resident aliens living in the School District.

In all cases, enrollment of foreign students will be processed by Central Office. The Federal law mandates the following be completed prior to the Superintendent signing the I-20 form:

A. The prospective student must be seeking admission to grades 9-12. No student is allowed to attend school in grades K-8.

B. The prospective student has made a written application to the school.

C. The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated by the Superintendent.

D. The Superintendent (appropriate school authority) has determined that the prospective student's qualifications meet all standards for admission.

E. The Superintendent (official responsible for admission at the school) has accepted the prospective student for enrollment in a full course of study.

F. The student's current visa must be presented to the Central Office at the time the student requests an I-20 application.

G. Admission of foreign students into the school will be considered on a case-by-case basis by the Superintendent. Admission is limited to a maximum of twelve (12) months.

H. Legal custody must be obtained by the person(s) with whom the foreign student is residing in accordance with State law. The student or his/her custodian must pay the District the full unsubsidized, per student cost to the District for educating a student. The payment is to be noted in the "remarks" column on the I-20 form.

I. The student's sponsor must obtain the student's visa, no application for a visa will be made by the District on behalf of a foreign student.

J. All foreign students must complete procedures for enrollment as early as possible during the semester prior to the semester they plan to enroll.

K. Foreign students who request enrollment in the District should demonstrate proficiency in the English language and have sufficient scholastic preparation to enable them to undertake a full course of study in the grade commensurate to their chronological age. Lack of English proficiency may be cause for revocation of initial approval for enrollment.

L. The sponsor must provide the following information to the Central Office.

- Student's name
- Date of birth
- Country of birth
- Country of citizenship
- Student's grade assignment
- Level of English proficiency
- Suggestion of core curriculum for the student

M. Foreign students may enroll in an ESL class or ESL tutoring if there is a vacancy in that class. The ESL program is designed for resident students who must accumulate credits to graduate from our school system.

N. Foreign students will be graded in the same manner as regular District students. If the student does not complete the requirements, s/he will not be given credit for the subject material.

O. Foreign students are allowed to participate in all interscholastic sports provided they meet all the High School Athletic Association eligibility requirements.

ag5114

FOREIGN-EXCHANGE STUDENTS

5114 - **FOREIGN-EXCHANGE STUDENTS**

Exchange Visitor Program (EVP) for Nonimmigrant Students with J-1 Visas

Sponsoring Exchange Organizations

The Board will recognize non-profit organizations that are designated as sponsoring exchange organizations by the U.S. Department of State (USDOS) as sponsors of exchange visitor students. Documentation of the non-profit organization's status as a current USDOS-designated sponsoring exchange organization should be submitted annually, but will be required in any year when the organization seeks to place a exchange visitor student in the District's high school.

Pursuant to Federal law, a sponsoring exchange organization may not have more than five (5) students enrolled in the District's high school unless the school itself has requested, in writing, the placement of more than five (5) students from the sponsor.

Selection, Acceptance, and Enrollment of Exchange Visitor Students

Pursuant to Federal law, the sponsoring agency shall select a foreign national to participate in the exchange visitor program (EVP) when it has been determined that the program is suitable to the exchange visitor student's background, needs, and experience, and that the exchange visitor student possesses sufficient proficiency in the English language to participate in the program.

The sponsoring exchange organization must contact the Principal of the high school in which the student would enroll to request acceptance of the prospective exchange visitor student. The sponsor shall provide written assurance that the prospective exchange visitor student meets all criteria for eligibility for the program set forth in Federal law. The Principal shall inform the Superintendent whether or not s/he supports the enrollment of the prospective exchange visitor student. If the Principal supports the enrollment of the prospective student, the Superintendent shall provide the sponsoring agency with written acceptance of the student's enrollment. A copy of the Student Handbook will be provided with the written acceptance.

Following receipt of written acceptance of enrollment, the sponsoring organization shall be responsible for issuing certificates of eligibility to participants for use in securing their U.S. non-immigrant J-1 Visa.

Following receipt of written acceptance of enrollment, the sponsoring organization shall also be responsible for the selection of a host family for the exchange visitor student. Following the selection of the host family by the sponsoring agency, the District shall be notified.

Pursuant to Federal law, an agreement between the sponsoring organization, the student's parents, and the student must clearly delineate the sponsoring organization's rules, as well as costs and refund policies. A copy of the Student Handbook shall be a part of this agreement.

The sponsoring organization shall submit the following at the time of the exchange visitor student's enrollment:

A. A copy of the agreement between the sponsoring organization, the student's parents, and the student.

B. Documentation that the exchange visitor student has had the required immunization(s).

C. Evidence of medical insurance coverage for the exchange visitor student.

Following the enrollment of the exchange visitor student, the Principal will designate a member of the faculty or school administration as the student's advisor during his/her stay at the school. The advisor shall serve as liaison between the school and host family, the school and the sponsoring organization's local coordinator, the exchange visitor student and the student body, school faculty, and the community.

The Principal will provide the local coordinator with any data related to school attendance and performance that the sponsoring agency is required to report to the USDOS via the Student and Exchange Visitor Information System (SEVIS).

© Neola 2015

ag5120

ASSIGNMENT TO CLASS AND GRADE

5120 - **ASSIGNMENT TO CLASS AND GRADE**

The following guidelines shall be followed in assigning students to classes and grades.

A. Assignments to class and grade shall be made by the principal after consultation with relevant staff.

B. Placement will be based on several factors including the intellectual, physical, social, and emotional development of the student as revealed by the use of available data and observations of the staff.

C. Each principal shall establish the criteria, including the intellectual, social, and emotional characteristics, by which students are assigned to classes and/or teachers or are transferred after initial assignment.

The following procedures shall be followed in a transfer of a student within a school:

1. A written request shall be made to the principal by the parent of the student. Transfer requests may also be initiated by the principal.

2. After consultation with the appropriate personnel, a determination regarding the validity of the request shall be made by the principal.

3. If the transfer request is initiated by the District, parents shall be advised of the request and the reasons it will be beneficial to the student or is necessary to maintain program effectiveness. They shall be advised of their rights of appeal if they do not agree with the transfer.

ag5130

WITHDRAWAL/TRANSFER FROM SCHOOL

5130 - **WITHDRAWAL/TRANSFER FROM SCHOOL**

Withdrawal

A student under the age of eighteen (18) shall not be permitted to withdraw from school unless one (1) of the following applies:

A. S/He is moving out of state.

B. S/He is transferring to another approved school.

C. S/He has been granted an Age and Schooling Certificate, that is, a work permit.

D. S/He has properly enrolled in and is attending an approved program.

Transfer Out of the District

Upon notification by the parent that a student is transferring out of the District, the school shall use a procedure that ensures the items on the appropriate Check-Out Form 5130 F1, Form 5130 F2, or Form 5130 F3 are properly completed.

A. A parent signs the necessary release forms and a copy is placed in the student's cumulative record.

B. The student's name is taken off the class list, and a memo is sent to appropriate personnel notifying them of the transfer.

C. The student's cumulative record is completed by teachers and counselors and sent to the principal.

D. The principal arranges for the proper delivery of the student's records to the receiving school as specified in AG 8330.

E. If, after two (2) weeks, no receiving school has requested the student's records the Principal shall contact the the enrolling school district.

F. In the case of a special education student, the Principal shall also be notified of the transfer, date of transfer, and the receiving school or agency.

G. If the student transfers when school is not in session, the building principal shall complete the process as soon as possible.

ag5136

PERSONAL COMMUNICATION DEVICES

5136 - **PERSONAL COMMUNICATION DEVICES**

Possession and/or use of a personal communication device (PCD) by a student while at school during the school day is a privilege that may be forfeited by any student who fails to abide by the terms of Policy 5136 or this guideline, or otherwise engages in abuse of this privilege. Strict adherence to Policy 5136 and this guideline is required.

"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.

Unless approved by a supervising teacher, an administrator or an IEP team, students are prohibited from using PCDs or having them "On" (i.e., the device must be powered completely off and not just placed into vibrate or silent mode; a device will be considered "On" if it is ready to receive, send, capture or record any communication, visual image, sound, text message or other information). Students may use PCDs according to specific building handbooks.

The building principal has authority to make determinations as to specific locations and situations where use of a PCD is absolutely prohibited.

Students participating in extra-curricular activities and athletics must contact their coach, advisor, or sponsor for his/her rules involving the use of PCDs after school hours or on after-school bus trips. Coaches and sponsors will set their rules and enforce consequences involving the use and/or misuse of these devices.

The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property. Students and parents are strongly encouraged to take appropriate precautions, if students possess PCDs at school, to make sure the devices are not left unattended or unsecured.

Using a PCD in an unauthorized manner or in violation of Policy 5136 or this guideline may result in loss of this privilege, additional disciplinary action (e.g., warnings, parental notification and conferences, suspension, expulsion), confiscation of the PCD (in which case, the device will only be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement), and/or referral to law enforcement if the violation involves an illegal activity (e.g. child pornography).

If a school teacher or administrator observes a violation of this guideline, s/he is required to confiscate the device and bring it to the building principal's office and provide the name of the student from whom the PCD was taken. Any confiscated device will be held in a secure location in the building's central office until the item is retrieved by the student's parent/guardian or turned-over to law enforcement. Students whose PCDs are confiscated may be required to contact their parents/guardians to inform them that the item was confiscated and that it will only be returned to the parents/guardians.

© Neola 2012

ag5200

ATTENDANCE

5200 - **ATTENDANCE**

The Board of Education requires all students enrolled in the schools of this District to attend school regularly in accordance with the laws of the State. The District's educational program is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

Excusable Reasons for Absence

The District accepts only the following as reasonable excuses for time missed at school. Each absence shall be either reported to the student absence call-off line or a written excuse dated and signed from parent/guardian or physician. The excuse shall be submitted to the Building office and filed as part of the student's school record.

A phone call or written excuse for absence from school may be approved for one (1) or more of the following reasons or conditions:

A. **Personal Illness**

The Principal may require a doctor's confirmation if s/he deems it advisable.

B. **Illness in the Family Necessitating the Presence of the Child**

The Principal may require a doctor's confirmation and an explanation as to why the child's absence was necessary.

C. **Quarantine of the Home**

This is limited to the length of the quarantine as fixed by the proper health officials.

D. **Death in the Family**

This is limited to a period of three (3) days unless a reasonable cause may be shown for a longer absence.

E. **Necessary Work at Home Due to Absence or Incapacity of Parent(s)/Guardian(s)**

Any absence arising because of this condition shall only apply to a child over fourteen (14) years of age and shall not extend for a period longer than five (5) days and can be renewed for five (5) additional days. At no time, shall such excuse permit a student to be absent from school for a period of more than ten (10) consecutive days.

At the discretion of the Superintendent or his/her designee, a student may be excused for a longer period of time 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. In such cases, the Superintendent or his/her designee may request a certificate of a physician attesting to the physical condition of the parent or guardian.

F. **Observation or Celebration of a Bona Fide Religious Holiday**

Any student shall be excused for the purpose of observing or celebrating a bona fide religious holiday consistent with his/her creed or belief.

G. **Absence During the School Day for Professional Appointments**

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day:

1. the student shall have a statement to that effect from his/her parents;

2. the student shall bring a signed statement from the doctor, dentist, lawyer, counselor, etc. to the effect that s/he reported promptly for the appointment;

3. the student shall report back to school immediately after his/her appointment if school is still in session.

H. **Emergency or Other Set of Circumstances**

The Superintendent shall determine whether the reason for the absence constitutes good and sufficient cause.

I. **Medically Necessary Leave**

A pregnant student will be considered on an excused absence for so long a period as is deemed medically necessary by the student's physician. Written confirmation by the physician may be required.

J. **Service as Precinct Officer at a Primary, Special or General Election**

Students selected as precinct officials through the program set forth in Policy 5725 shall be excused from school on the day of an election at which the student serves as a precinct official.

Absences that do **not** accumulate against this guideline include:

A. field trips;

B. college visits, not to exceed two (2) in number.

Contacting the Parent/Guardian of an Absent Student

Within 120 minutes after the beginning of each 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 by:

A. making a telephone call to the number on file for the parent, guardian, or other person having care of the student, and documenting the time the call was made. If the parent, guardian, or other person having care of the student does not answer, the person making the call should attempt to leave a message;

B. an automated telephone call via a system that includes verification that each call was actually placed, and either the call was answered by its intended recipient or a voice mail message was left by the automated system relaying the required information.

The attendance officer or designee shall not attempt to contact the parent, guardian, or other person having care of a student if the parent, guardian, or other person having care of a student initiates a telephone call or other communication notifying the school or building administration of the student's excused or unexcused absence within 120 minutes after the beginning of the school day.

Excessive Absences

When a student of compulsory school age is absent from school with combined nonmedical excused absences and unexcused absences in excess of thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year, that student is considered "excessively absent" from school. The District or school shall notify the child's parent or guardian of the child's absences, in writing, within seven (7) school days after the date of the absence that triggered the notice requirement. At the same time written notice is given, any appropriate intervention action listed herein may be taken.

Habitual Truancy

A student will be considered habitually truant if the student is of compulsory school age and absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school

month, or for seventy-two (72) or more hours in one (1) school year.

Legitimate excuses for the absence of a student who is otherwise habitually truant include but are not limited to:

A. the student was enrolled in another school district;

B. the student was excused from attendance in accordance with R.C. 3321.04; or

C. the student has received an age and schooling certificate.

Absence Intervention Team

To the extent required by law as determined on an annual basis, within ten (10) days of a student becoming habitually truant, the Principal shall assign the student to an absence intervention team.

Within fourteen (14) school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one (61) days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan. Within seven (7) school days after the development of the plan, reasonable efforts shall be made to provide the student's parent/guardian/custodian with written notice of the plan.

As part of the absence intervention plan, the Principal may, in his/her discretion contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in R.C. 2151.27(G).

Each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's building, another representative from the child's building who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

The members of the absence intervention team shall be selected within seven (7) school days of the student meeting the habitually truant threshold. Within the same period of seven (7) school days, the Principal shall make at least three meaningful, good faith attempts to secure the participation of the student's parent/guardian/custodian, guardian ad litem, or temporary custodian on that team. A good faith attempt to secure the participation of the parent shall include, but not be limited to, diligent efforts to reach the parent by telephone, email, or regular mail. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the Principal shall inform the parent of the parent's right to appear by designee. If seven

(7) school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the attendance officer shall investigate whether the failure to respond triggers mandatory abuse or neglect reporting to the public children services agency. At the same time, the absence intervention team shall continue to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

Intervention Strategies

In order to address the attendance practices of a student who is habitually truant, the intervention team may, as part of an intervention plan, take any of the following intervention actions:

A. provide counseling to the student

B. request or require the student's parent to attend a parental involvement program

C. request or require a parent to attend a truancy prevention mediation program

D. notify the Registrar of Motor Vehicles of the student's absences

E. take appropriate legal action

Any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence may be referred to the Principal and/or Director of Pupil Services for evaluation to determine eligibility either under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate accommodation.

Reporting Requirements

The attendance officer shall file a complaint in the juvenile court against a student on the 61st day after the implementation of an absence intervention plan or other intervention strategies, provided that all of the following apply:

A. The student is habitually truant.

B. The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication, if applicable.

C. The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.

If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty (30) or more consecutive hours or forty-two (42) or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan.

In the event that the sixty-first (61st) day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, the absence intervention team may extend the implementation of the plan and delay the filing of the complaint for an additional thirty (30) days from the first day of instruction of the next school year.

Whenever any student of compulsory school age has sixty (60) consecutive hours in a single month or a total of ninety (90) hours of unexcused absence from school during the school year, s/he will be considered "habitually absent" under R.C. 3321.13(B)(2). The Superintendent shall notify the student and his/her parents, guardian, or custodian, in writing, that the Superintendent will notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the child's unexcused absences and "habitually absent" status unless the student or his/her parents wish to challenge the record. They are to be notified that the absence information has been provided to the Superintendent, that as a result of that information the child's temporary driver instruction permit or driver's license will be suspended or the opportunity to obtain such a permit or license will be denied, and that they may appear in the Principal's office to challenge such information at a scheduled date and time which shall be no earlier than three (3) days or later than five (5) days after the date of the notification. The Principal may grant an extension, if requested by the child or the child's parent, guardian, or custodian.

Notification will be sent within two (2) weeks after the Superintendent receives the information or the conclusion of the hearing if the determination that the student did not have a legitimate excuse for the absences is upheld. The student's name, address, birthdate, school, district, and attendance record shall be sent to the Juvenile Judge in writing and to the Registrar of Motor Vehicles, if appropriate in the manner designated by the Registrar.

The District shall report to the Ohio Department of Education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

A. when a notice that a student has been absent with or without legitimate excuse for thirty-eight (38) or more hours in one school month, or sixty-five (65) or more hours in a school year is submitted to a parent, guardian, or custodian;

B. when a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty (30) or more consecutive hours, forty-two (42) or more hours in one school month, or seventy-two (72) or more hours in a school year;

C. when a child of compulsory school age who has been adjudicated an unruly child for being a habitual truant violates the court order regarding that adjudication;

D. when an absence intervention plan has been implemented for a child under this policy.

Encouraging Attendance

Promoting and fostering desired student attendance habits requires a commitment from the administration, faculty, and parents. No single individual or group can - in and of itself - successfully accomplish this task.

A professional staff member's responsibility must include, but not be limited to:

A. providing meaningful learning experiences **every day**;

Therefore, a student who is absent from any given class period would be missing a significant component of the course.

B. speaking frequently of the importance of students being in class, on time, ready to participate;

C. keeping accurate attendance records tracked to the nearest full hour (excused vs. unexcused);

D. requiring an admit slip from a student when s/he returns from an absence and invoking a consequence if s/he does not have one.

Students Leaving School During School Day

A. No staff member shall permit or cause any student to leave the school prior to the regular hour of dismissal except with the knowledge and approval of the Principal and with the knowledge and approval of the student's parents. (see Form 5230 F1)

B. No student will be released to any government agency without proper warrant or written parental permission except in the event of an emergency as determined by the Principal.

Make-Up Opportunities

A student may make-up units of study with a properly licensed teacher if prior approval has been granted by the Principal.

A. Students will be given the opportunity for making up work missed due to approved absences. The length of time for completion of make-up work shall be commensurate with the length of the absence.

B. Students will be given the opportunity to make-up work missed due to suspension. The make-up work must be completed and presented to the teacher upon his/her return to school. Tests missed during the period of

suspension may be made up by the students by contacting the teacher on the day of his/her return to school. The teacher, at his/her convenience, may administer the test or assign alternate written work in lieu of the test missed.

C. A student wishing to make-up work should contact his/her counselor to obtain assignments.

Tardiness

A. Students not in homeroom or in class when the late bell rings are considered tardy, and attendance shall be tracked and recorded to the nearest full hour.

B. All students who are tardy to school must report to the Principal's office to sign in.

C. When a teacher detains a student after class, s/he shall issue a late pass for the student's next class.

D. Teachers are to refer cases of chronic tardiness to the Principal.

© Neola 2019

ag5215

MISSING CHILDREN

5215 - **MISSING CHILDREN**

Each school should make a concerted effort to assist in identifying missing children using the following guidelines.

A. **Missing Student's Records Marked So Law Enforcement Can Be Notified If The Records Are Requested**:

Whenever the District is notified by a law enforcement agency that a missing child report has been filed regarding a student who is currently, or was previously, enrolled in the District, the staff member in charge of admission at the school shall mark that student's records in such a manner that whenever a copy of or information regarding the records is requested, any school official responding to the request is alerted to the fact that the records are those of a missing child.

Upon any request for a copy of or information regarding a student's records that have been so marked, the staff member in charge of admission immediately shall report the request to the law enforcement agency that notified the school that the student is a missing child.

When forwarding a copy of or information from the student's records in response to a request, the staff member in charge of admission shall do so in such a way that the receiving district or school is unable to discern that the student's records are marked as identifying the student as a missing child.

The District shall retain the mark in the student's records until notified that the student is no longer a missing child. Upon notification by a law enforcement agency that a student is no longer a missing child, the staff member in charge of admission shall remove the mark from the student's records in such a way that if the records are forwarded in the future to another district or school, the receiving district or school will be unable to discern that the records were ever marked.

B. **Student Absence**:

A parent must notify the school by 10:00 a.m. on the day a student is to be absent unless previous notification has been given in accordance with school procedure for reporting absences. (R.C. 3313.205) If such notification is not received, the office should notify by automated call to the student's parents, guardian, or legal custodian of a child's absence. The parent is responsible for providing the school with **current** home and/or work telephone numbers and to notify the school of any change in the above information.

C. **Missing Child Investigations**:

School personnel are required by law to provide law enforcement officials access to a student's record when conducting a missing child investigation, providing they have the permission of the parents.

D. **Pictures For Identification**:

District personnel, authorized to enter into contracts for the taking of student pictures, will request the photographer to provide, free of cost to the school, a photograph of each student for identification purposes.

E. **Enrollment Of New Students**:

A student seeking entry into a District school must comply with admission requirements specified in AG **5111**.

Upon entry, the administrative assistant should send a request, in writing, to the sending school as soon as possible. If the records are not received within two (2) weeks, the respective building shall call the school. If the sending school indicates no history of the student attending that school, the principal shall contact the Superintendent, who, in turn, shall notify the Niles Police Department.

© Neola 2013

ag5230

EARLY DISMISSAL

5230 - **EARLY DISMISSAL**

Board of Education policy requires that the following guidelines be followed for early dismissal of any student.

A. Office personnel may release a student from school before the end of the school day.

B. Office personnel may release students before the end of a school day only upon presentation of a written or face-to-face request from the child's parent or for emergency reasons.

C. Requests for early dismissal should be submitted to the office as early in the school day as possible.

D. Students may be released only to a parent, or to a properly-identified person authorized in writing by the parent to act on his/her behalf.

E. When a parent telephones a request that a child be released early from school, the identity of the caller and any custodial arrangements should be confirmed before the child is permitted to leave. If the parent is calling from home, the school can verify the request by a return telephone call. In the event the telephone call is not being made from the child's residence, the caller should be asked detailed questions about the child.

These questions might include the child's date of birth, the courses s/he is studying, names of teachers and classmates, and similar facts which should be known to his/her parents.

F. Whenever a student travels from his/her school to another school for lessons or to clinics, etc., during school hours signed permission must be obtained from the parent before such trips are approved by the principal.

© Neola 2019

ag5320

IMMUNIZATION

5320 - **IMMUNIZATION**

Immunizations Which Are Medically Contraindicated

A written statement from a licensed physician that an immunization is medically contraindicated for a specified period of time and the reasons for the medical contraindications will exempt a student from the specific immunization requirements for the period of time specified in the physician's statement.

The physician's statement shall be maintained by the school as part of the immunization record of the student.

Immunization Requirements

Chicken Pox (Varicella)	Varicella vaccine (varivax) in accordance with the Department of Health and Human Services' immunization schedule or as prescribed by physician.
	Kindergarten - Grade 12
	Two (2) doses of varicella vaccine must be administered prior to entry. The first (1st) dose must be administered on or after the first (1st) birthday. The second (2nd) dose should be administered at least three (3) months after the first (1st) dose; if the second dose is administered at least twenty-eight (28) days after first (1st) dose, it is considered valid.
	Similar to other immunizations, the Ohio Department of Health has determined that the requirements for immunization against chicken pox will be progressive.
Diphtheria,	**Kindergarten - Grade 12**
Tetanus,	
Pertussis	Four (4) or more doses of DTaP, DTP, or DT (pediatric) vaccine, or any combination. If all four (4) doses were administered prior to the fourth (4th) birthday, a fifth (5th) dose of DTap or DT is required. If the fourth (4th) dose was administered at least six (6) months after the third (3rd) dose, and on or after the fourth (4th) birthday, a fifth (5th) dose is not required.
	Grades 7 - 12

	One (1) dose of Tdap vaccine must be administered on or after the tenth (10th) birthday.
Measles, Mumps, Rubella	Two (2) doses of MMR. Dose one (1) administered on or after the first (1st) birthday. The second dose must be administered at least twenty-eight (28) days after dose one (1). (See Form 5320 F1)
Hepatitis B	Three (3) doses. The second dose must be at least twenty-eight (28) days after the first. The third dose must be given at least sixteen (16) weeks after the first dose and at least eight (8) weeks after the second dose. The last dose in the series (third or fourth dose) must not be administered before age twenty-four (24) weeks.
	Similar to other immunizations, the Ohio Department of Health has determined that the requirements for immunization against Hepatitis B will be progressive.
Polio	**Kindergarten - Grade 12**
	Three (3) or more doses of IPV. The final dose must have been administered on or after the 4th birthday regardless of the number of previous doses. If a combination of OPV and IPV was received, four (4) doses of either vaccine are required. Only trivalent OPV (tOPV) counts; doses of OPV administered before 4/1/2016 should be counted (unless specifically noted as administered during a campaign); doses of OPV administered on or after 4/1/2016 should not be counted. Students who are age eighteen (18) or older shall not be required to receive either polio vaccine.
Meningococcal	In accordance with the age and method recommended by the Ohio Department of Health.
	Grade 7 One (1) dose of meningococcal (serogroup A, C, W, and Y vaccine must be administered on or after the tenth (10th) birthday. **Grade 12** Two (2) doses of MCV4. The second dose on or after the student's sixteenth (16th) birthday. If the first dose was given on or after the sixteenth (16th) birthday, only one (1) dose is required

No child, at the time of initial entry or at the beginning of each school year, shall be permitted to remain in school for more than fourteen (14) school days unless the child presents written evidence that the child has been immunized or is "in the process of being immunized". "In the process of being immunized" means the student has been immunized against mumps, measles/rubeola, rubella, and chicken pox, and if the student has not been immunized against polio, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the student has received at least the first dose of the immunization sequence and presents written evidence to the Principal or Superintendent of each subsequent dose required to obtain immunization at the intervals prescribed by the Director of Health.

Any student previously admitted under the auspices of "in the process of being immunized" who has not complied with the prescribed immunization intervals shall be excluded from school on the fifteenth (15th) school day of the following school year. The excluded student shall be readmitted upon showing evidence to the Principal or Superintendent of progress on the prescribed immunization interval schedule.

A student who has had natural measles/rubeola, mumps, and/or chicken pox, and presents a signed statement from the child's parent, guardian, or physician to that effect, is not required to be immunized against such disease(s).

The School District will consult with the Ohio Department of Health and/or refer to its website (www.odh.gov) regarding the progressive nature of the above immunization requirements on a yearly basis.

Exemptions: Parent Objections

A student shall be exempted from mandatory immunization if the parent objects in a written signed statement upon the grounds that the parent declines to have the student immunized for reasons of conscience, including religious convictions.

This statement will be kept by the school as part of the student's immunization record.

Provisional Admission to School

A student may be admitted to school on a provisional basis if a physician or health department indicates that immunization of the student has been initiated and that the student is in the process of complying with all immunization requirements.

Such provisional admission shall be only for the length of time necessary to complete the inoculations.

Documents Accepted as Evidence of Immunization

The following documents will be accepted as evidence of a student's immunization history, provided they comply with State requirements and contain the date when each immunization was administered.

A. an official school record from any school

B. a record from any public health department

C. a certificate signed by a licensed physician

Required Records

Each school shall maintain a record of immunization for every student which shall include the date of each individual immunization.

If a student transfers to another school, this record or a copy thereof shall be sent to the new school.

Reports to be Sent to State Health Department

A report of the immunization status of the students in each school shall be sent each year to the State Department of Health by the Principal on the report forms provided by the State Department of Health.

Records Available for Inspection

The Principal shall make immunization records available for inspection by authorized representatives of the State Department of Health or the Trumbull County Health Department.

Preservation of Academic Standing

In the case of a chicken pox epidemic in the school's population, the Superintendent may deny admission to a student who has been exempted from the chicken pox immunization requirement. The following methods are prescribed whereby the academic standing of a student who is denied admission during a chicken pox epidemic is preserved:

A. Whenever a Principal is notified that a student will be absent from school during an epidemic, the Principal should contact the student's teacher(s) and counselor(s) so that plans for individual instruction can be developed. (See Form 2412 F1). Plans should be updated on a weekly basis during the terms of the denial of admission during the epidemic.

B. The Principal will collect the plans from the student's teacher(s) and secure the textbooks and any supplies necessary for the plans to be implemented.

C. The Principal will forward the plans, textbooks, and supplies to the instructor who will provide the home tutoring. The Principal will also serve as a liaison between the instructor and the student's regular classroom teacher(s). As such, the Principal will also coordinate with the student's teacher(s) and parent(s) the necessary documentation of work assigned and completed and the successful return of the student to the school setting. AG 2412 - Homebound Instruction should be followed if so designated by the Principal.

1. The student will receive instruction only on days that school is in session.

2. The instructor assigned to provide the home tutoring shall forward the grades to the Principal by the end of the marking period or other applicable time period.

D. The Principal will arrange for the plans, textbooks, and supplies to be provided to the parent(s) for use during the term of the student's denial of admission. The Principal will also serve as a liaison between the parent(s) and the student's regular classroom teacher(s). As such, the Principal will also coordinate with the student's teacher(s) and parent(s) the necessary documentation of work assigned and completed and the successful return of the student to the school setting.

E. When a student is denied admission during an epidemic, the teacher should prepare activity assignments in the general subject area which the student can work on/complete on the student's own to reinforce and/or extend acquired learning of content and/or skill or develop new knowledge or skill.

F. The teacher should keep a record of the activity assignments and work completed for communication with the parent(s) and for grading purposes.

G. With the approval of the Principal, the teacher may implement AG 2370A - Independent Study for a student who has been denied admission during an epidemic.

H. Whenever a Principal is notified that an identified student with disabilities will be denied admission, the Principal should contact the Intervention Assistance Team to arrange for that student's I.E.P. Team to be convened and the IEP revised accordingly. AG 2412 - Homebound Instruction should be followed if so designated by the I.E.P. Team.

The Principal shall make sure that the academic standing of a student who is denied admission during a chicken pox epidemic is preserved. The denial of admission will cease to exist when the Director of the State Department of Health notifies the Superintendent that the epidemic no longer exists.

Immunization of Students at Public Expense

The Board shall make application to the appropriate public body to secure, without delay, the provision, at public expense, of immunizations to students whose parents or guardians have not provided the requisite immunizations.

© Neola 2023

ag5330A

EMERGENCY MEDICATION

5330A - **EMERGENCY MEDICATION**

Board Policy 5330, Policy 5336, and the procedures on the administration of medication in AG 5330 must be observed at all times.

A. Schools are to be notified, in writing, of a student who may need emergency medication by his/her parents or prescriber. In all cases, this information should be conveyed to the School Nurse who will be responsible for seeing that selected staff members receive appropriate instruction in the administration of such medication.

B. In addition, a notation should be made on the student's emergency medical authorization Form 5341 F1 for use on field trips. The medication should be available to the trip leader who should be trained in its proper application.

C. The transportation department should also be notified so that the appropriate bus driver can be made aware of the student who may need emergency medication. Bus drivers transporting such students should have the medication available and be trained in its proper application.

D. The student's parent will be responsible for providing the medication and is to be informed that the school may call emergency medical services when his/her child receives the medication.

E. If a serious situation does occur requiring the administration of emergency medication, the principal is to contact local EMT's and request that a mobile unit be dispatched to the school to deal with complications that may arise. The parents should be contacted after the call to emergency services.

F. Parents are responsible for providing the school with the proper medication with an adequate expiration date at the beginning of each school year.

G. Medication procedures should be reviewed with appropriate staff at the beginning of school each year.

© Neola 2014

ag5330

USE OF MEDICATIONS

5330 - **USE Of MEDICATIONS**

The medications and/or treatments which may be administered are defined in Policy 5330 and Policy 5336. In those circumstances where a student must take prescribed medication during the school day, with the exception of diabetes care covered under Policy 5336, the following guidelines are to be observed:

A. Parents should cooperatively determine with the counsel of their child's prescriber whether the medication schedule can be adjusted to avoid administering medication during school hours.

B. Before the student will be permitted to take medication during school hours, use an inhaler to self-administer asthma medication, or use an epinephrine autoinjector (epi-pen), Form 5330 F1, Parent Request and Authorization to Administer a Prescribed Medication/Drug or Treatment, or Form 5330 F3, Authorization for the Possession and Use of Asthma Inhaler/Other Emergency Medication(s), or Form 5330 F4, Authorization for the Possession and Use of Epinephrine Autoinjector (epi-pen) must be filed annually and as necessary for any change in medication order with the Principal and, to the School Nurse if one is assigned to the student's building.

1. Form 5330 F1, Parent Request and Authorization to Administer a Prescribed Medication/Drug or Treatment, shall include the following:

    a. student's name and address;

    b. name of the medication/drug and dosage to be administered and/or procedure required to be followed;

    c. the time or intervals at which each dosage of the medication/drug is to be administered;

    d. any severe adverse reactions that should be reported to the physician and one or more telephone numbers at which the prescriber can be reached in an emergency; a signed parental release that allows direct contact with the prescriber in such emergency reaction situations will not supersede nor abrogate the "Emergency Medical Form";

    e. special instructions for administration of the medication/drug, including sterile conditions and storage;

    f. the date administration of the prescribed medication/drug is to begin;

    g. the date administration of the prescribed medication/drug is to cease;

h. authorization for school personnel to administer the prescribed medication;

i. agreement/satisfactory arrangement to deliver the medication/drug to/from school (i.e., the medication/drug must be received by the person authorized to administer it to the student for whom it is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist);

j. agreement to re-submit Form 5330 F1, Parent Request and Authorization to Administer a Prescribed Medication/Drug or Treatment, if the medication, dosage, schedule, procedure or any other information contained on the licensed prescriber's statement is changed or eliminated;

k. the prescriber's name, address, and telephone number;

l. probable side affects;

m. a student to self-administer the medication but only in the presence of an authorized staff member or parent.

2. Form 5330 F3, Authorization for the Possession and Use of Asthma Inhaler/Other Emergency Medication(s), shall include the following:

a. the student's name and address;

b. the names and dose of the medication contained in the inhaler;

c. the date the administration of the medication is to begin;

d. the date, if known, that the administration of the medication is to cease;

e. written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;

f. any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the prescriber;

g. any severe adverse reactions that may occur to another child for whom the inhaler is not prescribed, should such a child receive a dose of the medication;

h. at least one (1) emergency telephone number at which the prescriber may be contacted in an emergency;

i. at least one (1) emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency; and

j. any other special instructions from the prescriber.

3. Form 5330 F4, Authorization for the Possession and Use of Epinephrine Autoinjector (Epi-Pen), shall include the following:

a. student's name and address

b. name of the medication/drug contained in the autoinjector and dosage to be administered

c. the date administration of the prescribed medication/drug is to begin

d. the date administration of the prescribed medication/drug is to cease (if known)

e. acknowledgement that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector

f. circumstances in which the autoinjector should be used

g. written instructions that outline procedures school personnel should follow in the event that the student is unable to administer the anaphylaxis medication

h. written instructions that outline procedures school personnel should follow in the event that the anaphylaxis medication does not produce the expected relief from the student's anaphylaxis;

i. any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;

j. any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should receive a dose of the medication;

k. at least one (1) emergency telephone number at which the prescriber may be contacted in an emergency;

l. at least one (1) emergency telephone number for contacting the parent, guardian or other person having care or charge of the student in an emergency;

m. any other special instructions from the prescriber.

4. A student may possess and use a metered dose inhaler or a dry powder inhaler either before exercise to prevent the onset of asthmatic symptoms or to treat the symptoms once they occur at school, or at any activity, event, or program sponsored by the student's school or in which the school participates. Additionally, a student may possess and use an epinephrine autoinjector to treat anaphylaxis once it occurs at school, or at any activity, event, or program sponsored by the student's school or in which the school participates. The principal or school nurse, if one is assigned to the student's building shall also be provided with a backup dose of the anaphylaxis medication by the parent/guardian, or student (if s/he is eighteen (18) or older).

5. Students authorized to possess and use a metered dose or dry powder inhaler or an epinephrine autoinjector under the Board policy may not transfer possession of any inhaler, epinephrine autoinjector or other medication to any student or permit any other student to use the inhaler medication or anaphylaxis medication.

6. School personnel are not authorized to assist a student in self-administering asthma medication or anaphylaxis medication unless the policy and procedures regulating administration of medication by school personnel have been met. In the event the epinephrine is administered by the student or school personnel at school, or at any activity, event, or program sponsored by the student's school or in which the school participates, a school employee shall immediately request assistance from an emergency medical provider (i.e., 911).

7. Annually, the School Nurseshall contact the parent(s) of any student whose school records indicate that s/he has asthma and advise them of the option to have said student carry and self-administer approved inhalers in school. A copy of Form 5330 F3, Authorization for the Possession and Use of Asthma Inhaler/Other Emergency Medication(s), is to be enclosed with this communication.

8. Additionally, the School Nurse shall contact the parent(s)/guardian(s) of any student whose records indicate that s/he has anaphylaxis and advise them of the option to have the student carry and self-administer an epinephrine autoinjector to treat the anaphylaxis. A copy of Form 5330 F4, Authorization for the Possession and Use of Epinephrine Autoinjector (Epi-pen), is to be enclosed with such communication.

9. Upon receipt, a copy of Form 5330 F1, Parent Request and Authorization to Administer a Prescribed Medication/Drug or Treatment, a copy of Form 5330 F3, Authorization for the Possession and Use of Asthma Inhaler/Other Emergency Medication(s), and/or a copy of Form 5330 F4, Authorization for the Possession and Use of Epinephrine Autoinjector (Epi-pen), shall be filed in the student's permanent record as well as in the binder with the student medication log sheet.

10. All medications to be administered during school hours must be registered with the School Nurse's office and will be secured . Upon receipt of the medication, the Secretary/School Nurse shall verify the amount of medication brought to the school and indicate that amount on the student medication log sheet.

11. Medication that is brought to the office will be properly secured. Medication may be conveyed to school directly by the parent/guardian or other responsible adult at parental request. This should be arranged in advance. Two to four (2-4) weeks supply of medication is recommended. Medication **MAY NOT** be sent to school in the student's lunch box, pocket, or other means on or about his/her

person. An exception to this would be prescriptions for emergency medications for allergies and/or reactions, including an epinephrine autoinjector to treat anaphylaxis, or asthma inhalers.

12. For each prescribed medication, the container shall have a pharmacist's label with the following information:

    a. student's name;

    b. prescriber's name;

    c. date issued and expiration date;

    d. pharmacy name and telephone;

    e. name of medication;

    f. prescribed dosage and frequency;

    g. special handling and storage directions.

13. The staff member administering the medication shall make reasonable efforts to assist the student in taking the medication properly.

14. If a student does not take the medication at the proper time, the staff member responsible for administering the medication shall attempt to locate the student and administer the medication and to then notify the parents of the importance of the child reporting on time for his/her medication.

15. All medications are to be administered in such a way as to not unduly embarrass the student.

16. A log for each prescribed medication shall be maintained that records the personnel giving the medication, the date, and the time of day. This log will be maintained along with the prescriber's written request and the parent's written release. (see Form 5330 F2)

17. Form 5330 F1, Parent Request and Authorization to Administer a Prescribed Medication/Drug or Treatment, shall be completed and signed by the parent authorizing the person(s) who may administer the medication or procedure.

18. If, for supportable reasons, the School Nurse wishes to discontinue the privilege of a student self-administering a medication, except for the possession and use of asthma inhalers or epinephrine autoinjector, s/he shall notify the parent/guardian of this decision in sufficient time for an alternative administration to be established.

19. Only employees who are licensed health professionals or who have completed the specified drug administration training program conducted by a licensed health professional and are designated by the Board may administer a precribed medication to a student.

20. Written documentation of the training provided for each person authorized to administer a prescribed medication or treatment will show:

    a. what training was given;

    b. the trainer's name and professional status;

    c. when the training was given

    d. the duration of the training.

C. **Nonprescribed (Over-the-Counter) Medications**

1. A student may be allowed to possess and self-administer an over-the-counter medication upon the written authorization of the parent. The parent must complete Form 5330 F1a or Form 5330F1b - Authorization for Nonprescribed Medication or Treatment and submit it to the school office for filing in the student's records.

2. If a student is found with a medication in his/her possession, his/her record should be checked to determine if the proper authorization is on file. If not, the matter is to be reported to the Principal for disciplinary action. The Principal may use one or more of the following procedures, depending on the particular situation:

    a. Contact the parent and arrange for the parent to submit Form 5330 F1a or Form 5330 F1b, Authorization for Nonprescribed Medication or Treatment, as soon as possible.

    b. Take the medication from the student and keep it in the school office until the completed form has been submitted.

    c. Suspend the student from school.

3. The purpose of any disciplinary action on this matter should be to make it clear to all students and parents that, because of its policy on drug use, the school cannot allow possession or use of any form of unauthorized drug or medication at any time.

4. Dispensing of nonauthorized, over-the-counter (OTC) medication by Board employees to students served by the District is prohibited. Where investigation confirms such allegations, prompt corrective action shall be taken up to and including dismissal.

Nothing in this administrative guideline shall limit the use of an epinephrine autoinjector in emergency situations as provided in Policy 5330.02 and AG 5330.02.

© Neola 2016

ag5330.02

EPINEPHRINE AUTO-INJECTORS: MAINTENANCE AND USE

5330.02 - **EPINEPHRINE AUTO-INJECTORS: MAINTENANCE AND USE**

In consultation with a licensed health professional who is authorized to prescribe drugs, and in accordance with State law, the Superintendent hereby approves this policy and procedure, alternatively termed "Administrative Guidelines," governing the maintenance and use of epinephrine auto-injectors ("Epi-Pens").

A. **Locations:**

At least two (2) Epi-Pens of both dose sizes (i.e., 0.3 mg of epinephrine and 0.15 mg of epinephrine) shall be securely stored in the Office of School Nurse location in each school building.

B. **Storage, Replacement, and Disposal:**

Epi-Pens shall be stored, in accordance with the following guidelines:

1. Storage: Epi-Pens shall be stored in the carrier tube provided at a temperature between 60^0F - 80^0F.

2. The school nurse is responsible for verifying that an appropriate number of Epi-Pens are maintained in the school building and they have not expired.

C. **Individuals Authorized to Administer Epi-Pens in Emergency Situations:**

The following individuals are authorized to access and use Epi-Pens in emergency situations:

1. licensed school nurse

2. licensed athletic trainer

3. building Principal

4. building secretary

5. teacher

6. aide

7. other, as designated by student's IEP, 504 Plan, or IHP

Each school shall have at least two (2) persons trained in the appropriate use of an epinephrine auto-injector. Building Principals shall maintain a list of the specific individuals authorized to use, in emergency situations, the District-maintained Epi-Pens. The list shall also be available on an electronically accessible site for employees' reference.

D. **Training:**

Before using an Epi-Pen in an emergency situation, an individual other than a licensed school nurse or licensed athletic trainer, must complete an Epi-Pen administration program conducted by a licensed health professional. The training shall be done in accordance with any guidance provided by the Ohio Department of Education. The training shall include how to recognize anaphylaxis and administer an epinephrine auto-injector.

E. **Emergency Situations:**

The authorized individuals may access and use an Epi-Pen in emergency situations, including but not limited to:

1. when an individual demonstrates signs or symptoms of anaphylaxis;

2. upon the first signs of a severe allergic reaction for which Epi-Pen treatment is indicated;

F. **Emergency Medical Provider Assistance:**

Immediately following deployment of an Epi-Pen, the individual administering it shall request assistance from an emergency medical service provider (911). If the Epi-Pen was self-administered by the student, pursuant to AG 5330, the school nurse shall be responsible for requesting assistance from an emergency medical service provider (911) immediately following the incident.

G. **Additional Recipients of Epi-Pen Assistance:**

In addition to students, school employees, contractors, and visitors, an Epi-Pen may be administered to the following individuals in an emergency situation: any individual on school grounds who is believed to be having an anaphylactic reaction.

H. **Reporting of Injections:**

Any person who administers an Epi-Pen to a student shall promptly notify the student's parent/guardian that an injection has been administered.

Additionally, all Epi-Pen injections by Board employees/contractors to students shall be reported in writing to the Superintendent. The report shall include whether the school's or student's Epi-Pen was used, and whether the student was previously known to be subject to severe allergic reaction (anaphylaxis).

Protocol for Use:

The definitive protocol for Epi-Pens, as issued by a **licensed health professional authorized to prescribe drugs**, are as follows:

A. administration

B. dosage

Nothing herein shall affect a student's ability to self-administer Epi-Pens in accordance with Policy **5330** and AG **5330**.

© Neola 2016

ag5330.03

ASTHMA INHALERS: MAINTENANCE AND USE

5330.03 - **ASTHMA INHALERS: MAINTENANCE AND USE**

In consultation with a licensed health professional who is authorized to prescribe drugs, and in accordance with State law, the Superintendent hereby approves this policy and procedure, alternatively termed "Administrative Guidelines," governing the maintenance and use of Asthma Inhalers.

A. Protocol for Use:

The definitive orders for Asthma Inhalers, as issued byA licensed healthcare professional. are as follows:

1. Administration;

2. Dosage;

3. Number of Times Used;

4. Method of Disposal.

B. **Locations:**

At least two (2) Asthma Inhalers shall be securely stored in the Office of School Nurse location in each school building.

C. **Storage, Replacement, and Disposal:**

Asthma Inhalers shall be stored, replaced, and disposed of in accordance with the following guidelines:

1. Storage;

2. Replacement;

3. Disposal.

The Building Principal and school nurse are responsible for verifying that an appropriate number of Asthma Inhalers are maintained in the school building and they have not expired.

D. **Individuals Authorized to Use Inhalers to Administer Asthma Medication in Emergency Situations:**

The following individuals are authorized to access and use Asthma Inhalers in emergency situations:

1. licensed school nurse
2. licensed athletic trainer
3. licensed health professional
4. building Principal
5. building secretary
6. teacher
7. aide
8. other, as designated by student's IEP, 504 Plan, or IHP

Each school shall have at least two (2) persons trained in the appropriate use of an Asthma Inhaler. Building Principals shall maintain a list of the specific individuals authorized to use, in emergency situations, the District-maintained Asthma Inhalers. The list shall also be available on an electronically accessible site for employees' reference.

E. **Training:**

Before using an Asthma Inhaler in an emergency situation, an individual other than a licensed school nurse or licensed athletic trainer, must complete an Asthma Inhaler administration program conducted by a licensed health professional. The training shall be done in accordance with any guidance provided by the Ohio Department of Education. The training shall include how to recognize asthma symptoms and use an Asthma Inhaler to provide a dosage of medication to an individual. The training shall also include an evaluation by the licensed health professional of the employees' understanding of the protocols for the use of an Inhaler to administer a dosage of asthma medication to an individual.

F. **Emergency Situations:**

The authorized individuals may access and use an Asthma Inhaler in emergency situations, including but not limited to when an individual demonstrates signs or symptoms of asthma.

G. **Emergency Medical Provider Assistance:**

Immediately following use of an Asthma Inhaler, the individual administering it shall request assistance from an emergency medical service provider (911). This requirement does not apply if the Asthma Inhaler was administered by a school nurse, athletic trainer, or a licensed health professional. In the event the Asthma Inhaler does not produce the expected relief from the asthma attack, the school nurse shall be responsible for requesting assistance from an emergency medical service provider (911) immediately following the use of the Asthma Inhaler.

H. **Additional Recipients of Asthma Inhaler Assistance:**

In addition to students, school employees, contractors, and visitors, an Asthma Inhaler may be administered to the following individuals in an emergency situation: any individual on school grounds who is believed to be having an asthma attack.

I. **Reporting of Use of Asthma Inhalers:**

Any person who administers an Asthma Inhaler to a student shall promptly notify the student's parent/guardian that an Inhaler has been used to administer a dosage of asthma medication.

Additionally, all uses of Asthma Inhalers to administer a dose of medication by Board employees/contractors to students shall be reported in writing to the Superintendent. The report shall include whether the school's or student's Asthma Inhaler was used, and whether the student was previously known to exhibit signs and symptoms of asthma.

Nothing herein shall affect a student's ability to self-administer Asthma Inhalers in accordance with Policy 5330 and AG 5330.

© Neola 2016

ag5330.05

STORAGE AND ADMINISTRATION OF NALOXONE/NARCAN

5330.05 - **STORAGE AND ADMINISTRATION OF NALOXONE/NARCAN**

In accordance with State law, the Board of Education shall procure Naloxone, also known by the brand name Narcan, for use in emergency situations. The Board has determined that it is in the best interests of its students and employees to have Naloxone available to be administered, if necessary, by appropriately trained employees, volunteers, or contractors who have been authorized by the Board to administer Naloxone to an individual who is apparently experiencing an opioid-related overdose.

A. **Procurement of Naloxone**

1. The District RN shall procure a minimum of two (2) dose(s) of Naloxone for each school from a distributor who is authorized by State law to distribute the drug. The District RN will log the date that each dose has been procured, as well as the expiration date of the drug. A copy of the log will be maintained and made available to all building administrators.

2. A dose of Naloxone will be replaced at least annually or on the expiration date listed by the manufacturer, whichever occurs first. It shall be the responsibility of the District Nurse to be sure that the supply of Naloxone is maintained at the appropriate level and that the Naloxone doses have not expired.

B. **Naloxone Storage Protocol**

Each Naloxone dose will be properly stored in a locked storage unit in each building. In accordance with the manufacturer's instructions, the drug should be stored at room temperature in a location that is protected from direct light.

C. **Training of Designated Nonmedical Staff, Volunteers, and Contractors**

1. The District Nurse shall be responsible for coordinating the training of District employees to administer the Naloxone and maintaining the list of employees authorized to administer Naloxone.

2. The list will be made available to all building administrators. At a minimum, the training will include the following:

    a. risk factors of opioid overdose;

    b. signs of opioid overdose;

    c. steps in responding to an overdose;

d. information on the Naloxone dispensed to the District;

e. procedures for administering the Naloxone;

f. proper storage and expiration of the Naloxone; and

g. information on where to obtain a referral for substance abuse treatment.

D. **Administration Protocol**

An opioid-related overdose is a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death that results from the consumption or use of an opioid or another substance with which an opioid was combined. Signs of an overdose include loss of consciousness where a person cannot be woken up, breathing very slowly, making gurgling sounds, or not breathing at all, and lips appear blue or gray in color.

Naloxone is available in a single-dose nasal spray and is designed for nasal administration only. Naloxone may only be administered by a school nurse or a trained school employee, volunteer, or contractor to a student or other individual on school grounds who is believed to be experiencing an opioid-related overdose.

What to do for an apparent opioid-related drug overdose:

1. The school nurse, trained personnel, or volunteers will access the building's supply of Naloxone (Narcan) in the designated storage area. Only these individuals will have access to the drug.

2. The drug is administered through a nasal spray, in accordance with the manufacturer's instructions, which include the following steps:

    a. Remove the Naloxone from the packaging immediately before administering. DO NOT TEST THE DEVICE. The device contains one (1) dose and does not need to be primed.

    b. Lay the person on their back. Tilt their head back and provide support under the neck with your hand.

    c. Gently insert the tip of the nozzle into one (1) nostril until your fingers on either side of the nozzle are against the bottom of the person's nose.

    d. Press the plunger firmly to administer the dose.

    e. Remove the nasal spray after administering.

    f. Watch the person closely for signs of breathing difficulty, vomiting, or other symptoms of illness that might require first aid attention.

g. If the person does not respond in two (2) minutes and a second dose of Naloxone is available, repeat steps a-f and administer a second dose of Naloxone. It is recommended that the second dose of the drug be administered in the other nostril.

h. Roll the person on their side in a recovery position and wait for first responders.

i. Properly dispose of the used Naloxone cartridge.

3. Emergency services will be called as soon as practicable by the individual who administers Naloxone or another school employee after administering the first dose of the drug.

© Neola 2023

ag5340A

STUDENT ACCIDENT/ILLNESS

5340A - **STUDENT ACCIDENT/ILLNESS**

In the event of a student accident or illness, staff members shall:

A. **if properly trained**, administer first aid;

B. report the accident to the appropriate administrator;

C. summon professional medical assistance, if needed;

D. notify the parents as soon as possible by telephone or written report;

E. contact parents immediately if the accident or illness indicates professional medical care is required;

F. record on the Student Accident Form 5340 F1, as soon as possible, all pertinent facts concerning the accident and submit it to the Principal's office.

School personnel shall not diagnose illness or administer medication of any kind except in accordance with Policy 5336 and/or AG 5330.

Records are to be kept on all injuries requiring medical attention which occur while students are on school property, in school buildings, on the way to or from school, or at school-sponsored activities.

A copy of the Student Accident Report form is to be filed with the carrier of the District's liability insurance when requested. (see Form 5340 F1 or Form 5340 F2)

Each principal shall prepare in-building procedures for dealing with illness at school which ensure prompt attention to the child and proper communication with the parents.

For concussions and head injuries, see Policy 2431 and AG 2431C. Teachers or coaches who suspect a student has been concussed shall record on the Student Accident Form 5340 F1, as soon as possible, all pertinent facts

concerning the incident and submit it to the School Nurse's/Principal's office.

© Neola 2014

ag5340B

HEALTH EMERGENCIES AND FIRST AID CARE

5340B - **HEALTH EMERGENCIES AND FIRST AID CARE**

Emergency Procedure

If a student or staff member requires immediate attention for an accident or illness, call

A. 911 and request a paramedic if needed.

B. parent/guardian or emergency contact.

When the call is made, be sure to indicate:

A. where the emergency situation is located (include cross streets, if applicable);

B. telephone number where calling from;

C. brief description of what happened;

D. how many persons need help;

E. what has been or is being done for the victim(s).

Be sure to be the last to hang up.

The person in charge is to give clear, precise directions to those who need to be involved in the emergency and to clear the area of all unnecessary persons.

First Aid Procedures

Any staff member qualified to do so may administer first aid. Such staff member shall comply with Policy 5336 for care of students with diabetes. After initial first aid treatment, the legal responsibility for subsequent care rests with the victim or the parents of a student victim.

With the exception of diabetes care covered under Policy 5336, internal medication cannot be administered even in emergencies to any student by school personnel other than a physician. Any treatment beyond first aid of any condition is prohibited.

In any case involving bodily fluids, the District's Blood-Borne Pathogens Policy 8453 and Policy 8453.01 and AG 8453 and AG 8453.01 must be followed:

A. **Abrasions, minor cuts, scratches**

Cleanse area with soap and water and apply a band-aid.

B. **Fainting**

Loosen clothing, place child flat on back with head lower than body. Do not give any fluids.

C. **Headache**

If student has a fever or appears ill, send student home; otherwise allow the student to rest for a while.

D. **Stomach ache**

If pain is severe or student is feverish or appears ill, send student home.

E. **Seizures**

If you know the person has epilepsy, it is usually not necessary to call EMS unless:

1. the seizure lasts longer than a few minutes;

2. another seizure begins soon after the first;

3. the person does not regain consciousness after the jerking movements have stopped.

However, you should call EMS when someone having a seizure also:

1. is pregnant;

2. carries identification as a diabetic;

3. appears to be injured;

4. is in the water and has swallowed large amounts of water.

A person having a seizure cannot control it. As someone trained in first aid, you can prevent injuries to the person having a seizure by removing anything nearby that might get in the way, such as furniture or equipment. You can also prevent injuries by not interfering: **Do not** try to put anything between the teeth. Also, do not hold or restrain the person. Loosen clothing. If the victim vomits, roll the victim on one side.

Following a seizure, the muscles relax. Check airway, breathing, and circulation (ABCs). A person recovering from a seizure is likely to be drowsy and disoriented and needs rest and reassurance. Stay with the person until they are fully conscious and aware of surroundings once again.

F. **Diabetic**

All school employees shall comply with Policy 5336 addressing diabetes care. In a diabetic emergency, it is possible to confuse the signs and symptoms of insulin shock and diabetic coma. Since insulin shock is a true emergency that needs quick response, give any fully conscious person in a diabetic emergency sugar--candy, fruit, juice, or a soft drink containing sugar. This will quickly get sugar into the blood to help someone in insulin shock. If instead of insulin shock, the person is in diabetic coma, the sugar will not cause further harm.

If the person is unconscious, check ABCs and call EMS.

A victim of diabetic coma also needs immediate transport to the hospital. Again, check ABCs and call EMS.

G. **Poison**

Quickly take any containers to the phone; then call EMS and the local Poison Control Center and follow their instructions. Care for shock and check breathing frequently. Do not give anything by mouth until you have been advised by medical professionals.

Be sure to save any containers and vomit for EMS. These will help them identify the poison and give the appropriate treatment.

H. **Fractures, Dislocations, Sprains, and Strains**

Sometimes it is difficult to tell whether an injury is a fracture, dislocation, sprain, or strain. Since you cannot be sure which of these a victim might have, always care for it as a fracture. If EMS is on the way, do not move the victim. Control any bleeding first. Care for shock and monitor ABCs. If you are going to transport the victim to a medical facility, follow this general rule: "When in doubt, splint."

Splinting is a process of immobilizing a suspected fracture. Materials that can immobilize a fractured bone

and the joints above and below it can be used to splint. (Examples are rolled-up newspapers, magazines, and pieces of wood.) Commercial splints are also available.

The purpose of splinting is:

1. to immobilize a possibly fractured part of the body;

2. to lessen pain;

3. to prevent further damage to soft tissues;

4. to reduce the risk of serious bleeding;

5. to reduce the possibility of loss of circulation in the injured part;

6. to prevent closed fractures from becoming open fractures.

The basic principles of splinting are:

1. splint only if you can do it without causing more pain and discomfort to the victim;

2. splint an injury in the position you find it;

3. apply the splint so that it immobilizes the fractured bone and the joints above and below the fracture;

4. check circulation before and after splinting.

If there are no splinting supplies available, splint the broken part of the body to another part. For example, a broken arm can be splinted to the chest. A fractured leg can be splinted to the other, uninjured leg.

If the injury is a closed fracture, dislocation, sprain, or strain, apply a cold pack. Do not apply a cold pack to an open fracture because doing so would require you to put pressure on the open fracture site and may cause discomfort to the victim.

For all of these injuries, care for shock and monitor ABCs.

Injury of the head, neck, and back (spinal injury) is serious and difficult to care for. Think about these injuries as possibilities when caring for a victim who has suffered **traumatic injury**. Examples of situations in which traumatic injury may occur are falls, motor vehicle accidents, and diving or other sports-related accidents.

If the victim has an obvious head injury, suspect the possibility of spinal cord injury also. If the victim is unconscious and your survey of the scene suggests traumatic injury to the head, care for him/her as if there is a spinal injury.

If you do suspect a spinal injury, stabilize the victim's head and neck as you found them by placing your hands along both sides of the head. This keeps the head in line with the spine and prevents movement.

If you must move the victim, do it carefully, using the clothes drag rescue method.

Stay with the victim and continue to stabilize the head and neck until EMS arrives. Monitor ABCs.

I. **Insect Bites and Stings**

If the victim was stung and the stinger remains embedded, try to remove it. Do not squeeze the stinger, since that will release more venom into the blood. Instead use tweezers to remove the stinger, or scrape it away with something like a credit card. Wash well with soap and water. Put a cold pack on the area that has been stung to reduce swelling and pain. Place a clean cloth between the skin and the ice, to protect the skin. Place the stung area below the level of the heart to slow circulation of the venom.

If you see signs and symptoms of an allergic reaction, call EMS quickly. While waiting for EMS to arrive, care for shock, and monitor ABCs.

J. **Nose Injuries and Nose Bleed**

If you suspect that the victim has a possible head, neck, or back injury, do not try to control a nosebleed. Stopping the blood flow would increase pressure on injured soft tissues. Instead, leave the victim as you found them and stabilize the head and neck. If the victim is conscious, tell them not to move.

If you do not suspect a head, neck, or back injury, try to control the bleeding. Have the victim sit down and lean forward, chin toward chest. Then pinch the nose shut.

Encourage the victim to rest quietly, since walking, talking, laughing, and blowing the nose can disturb blood clots and make the bleeding start again.

K. **Bites**

Dangerous infection can develop even from a minor bite. To help prevent infection, either wear latex gloves or wash your hands if possible before caring for someone with open wounds. If there is not heavy bleeding, wash wounds well with soap and water; then cover them with a clean dressing, bandage them, and seek

medical help. Do not try to clean a wound that is bleeding heavily. Control the bleeding. Once it stops, cleaning might make it start again. Leave the dressing in place. A serious wound should be cleaned only by trained medical personnel.

L. **Eye Injuries**

Be extremely careful when touching the eyes. Wash your hands when possible before caring for an eye injury. Be gentle. If you cannot get a floating object off the surface of the eye or eyelid by the method outlined in the action guide, either loosely wrap a bandage around both eyes or tape dressings over them. You need to wrap both eyes, since the movement of one eye affects the other. Reassure the victim, since having one's eyes bandaged is frightening. Get medical help.

An object that has become embedded in or has penetrated the eyeball should not be removed by anyone but a doctor. First aid care for such an injury is to place an inverted paper cup over the injured eye. This prevents further damage by keeping the object in place without pressure. Then wrap a bandage around both eyes.

If the victim is unconscious, close the eyelids to keep the eyeballs from drying out.

For chemical burns, wash the eye with lots of running water, flushing from the nose outward, for fifteen (15) to thirty (30) minutes. Then wrap a bandage loosely around both eyes and reassure the victim. Monitor ABCs.

M. **Burns**

HEAT BURNS

Call EMS and then care for the burns. The major cause of shock in burn victims is heavy loss of body fluids through the burned area. Have the victim lie down. Elevate the burned part if doing so does not cause further pain. As always for shock, maintain normal body temperature.

In general, care for heat burns as follows:

1. For first-degree burns and second-degree burns with no open blisters, flush with lots of cool running water. Apply moist dressings, and bandage loosely.

2. For second-degree burns with open blisters and third-degree burns, apply dry dressings and bandage loosely. Do not use water, as it increases the risk of shock.

ACID BURNS

Remove all contaminated clothing, jewelry, etc. Wash contaminated skin with plain water for fifteen (15) - thirty (30) minutes. For burns to eyes, wash with plain water at least thirty (30) minutes - beginning with the nose and washing out. DO NOT WASH FROM ONE EYE TO THE OTHER CROSSING OVER THE NOSE. Do not use a reactor. Call 911 or emergency squad as soon as possible.

N. **External Bleeding**

The purpose of first aid for external bleeding is to:

1. stop the bleeding;

2. prevent infection;

3. prevent shock.

Severe bleeding is arterial bleeding--bleeding that spurts from a wound with every beat of the heart. It is life-threatening and needs to be controlled immediately.

Keep in mind that a relatively small amount of bleeding can look dramatic. Do not get so concerned at the sight of blood that you overlook other injuries. Bleeding can also frighten the victim, so remember to reassure him/her.

Infection can develop within hours or days of an injury. The signs and symptoms of infection are pain or tenderness at the wound; redness, heat, or swelling at the wound; pus beneath the skin or in the wound; red streaks leading from the wound; and swollen lymph glands closest to the wound (in the groin for a leg infection, in the armpit for an arm infection, and in the neck for a head or neck infection). An infection can also cause a person to feel ill. If any of these signs or symptoms develop, the victim should get medical help.

To reduce your threat of infection, wear latex gloves or wash your hands if possible before caring for a wound. Use clean dressings and bandages. Wash minor wounds that are not bleeding severely with soap and water before applying the dressing. Do not try to clean major wounds that are bleeding severely, since that might cause more bleeding.

To control bleeding:

1. apply direct pressure on the wound with a dressing. (Use your hand alone if no dressing is available.) A dressing is a clean covering placed over the wound that protects it and helps control the bleeding by absorbing the blood and allowing it to clot. Once you put a dressing on a wound, do not remove it. If bleeding continues, add new dressings on top of the one already soaked with blood. The less a bleeding wound is disturbed, the better your chances of stopping the bleeding.

2. if bleeding continues and you do not suspect a fracture, elevate the wound above the level of the heart and continue to apply direct pressure.

3. if the bleeding does not stop, the next step is to apply pressure at a pressure point. Continue to do steps 1 and 2.

4. the final step to control bleeding is to apply a pressure bandage. A bandage is used to hold a dressing in place, restrain movement, and help stop bleeding. Apply pressure while wrapping the bandage over the dressing to keep pressure on the wound and slow the bleeding. Take the pulse and examine the fingertips in the injured limb after wrapping the bandage to make sure the bandage is not so tight that it slows or stops circulation. If it is too tight, the pulse rate may be slowed or absent and the fingertips or toes may look bluish.

O. **Dental Emergencies**

What to do for:

1. a knocked out tooth:

    a. replace tooth into socket

    b. apply ice, wrapped in cloth, to face

    c. if you cannot put tooth into socket, place in a glass of cold water or milk until you can see your dentist

2. injured tissues:

    a. apply ice, wrapped in a cloth, to face

    b. apply gauze firmly to site for thirty (30) minutes

    c. phone dentist

3. fractured bones:

    a. immobilize; use cloth such as towels or scarves tied around injured area

    b. have patient sit still and upright

    c. GO TO HOSPITAL AS SOON AS POSSIBLE

4. swelling and gumboil:

    a. rinse with warm salt water four (4) times a day (1/2 tsp of salt in one (1) cup of warm water)

    b. have the patient see a dentist as soon as possible

    c. low heat on outside of face

P. **Opioid-Related Drug Overdose**

An opioid-related overdose is a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death that results from the consumption or use of an opioid or another substance with which an opioid was combined. Signs of an overdose include loss of consciousness where a person cannot be woken up, breathing very slowly, making gurgling sounds, or not breathing at all, and lips appear blue or gray in color.

What to do for an apparent opioid-related drug overdose:

1. The school nurse, trained personnel, or volunteers will access the building's supply of Naloxone (Narcan) in the designated storage area.

2. The drug is administered through a nasal spray in accordance with the manufacturer's instructions, which includes the following steps:

    a. Remove the Naloxone from the packaging immediately before administering. DO NOT TEST THE DEVICE. The device contains one (1) dose and does not need to be primed.

    b. Lay the person on their back. Tilt their head back and provide support under the neck with your hand.

    c. Gently insert the tip of the nozzle into one (1) nostril until your fingers on either side of the nozzle are against the bottom of the person's nose.

    d. Press the plunger firmly to administer the dose.

    e. Remove the nasal spray after administering.

    f. Watch the person closely for signs of breathing difficulty, vomiting, or other symptoms of illness that might require first aid attention.

    g. If the person does not respond in two (2) minutes and a second dose of Naloxone is available, repeat steps a-f and administer a second dose of Naloxone. It is recommended that the second dose of the drug be administered in the other nostril.

    h. Roll the person on their side in a recovery position and wait for first responders.

    i. Properly dispose of the used Naloxone cartridge.

3. Emergency services will be called as soon as practicable by the individual who administers Naloxone or another school employee after administering the first dose of the drug.

© Neola 2023

ag5340D

TRANSPORTATION FOR ILL OR INJURED STUDENTS

5340D - **TRANSPORTATION FOR ILL OR INJURED STUDENTS**

When a student becomes ill or injured at school, it may be necessary for the student to be taken home, to a doctor, or to a hospital. This responsibility should be assumed by the parent, except in an emergency when it is apparent that an ambulance or emergency medical service should be called immediately. (See AG 5340A for calling procedure.)

The final responsibility for the safe transportation of a sick or injured student from school to home, hospital, or to emergency medical care rests with the principal.

No seriously sick or injured student should be allowed to go home unless there is a responsible adult (see student's Emergency Medical Authorization Form 5341 F1) to provide for his/her care. The student will remain in school when all measures available to locate a responsible adult have failed. When school is dismissed and no adult is available, contact the appropriate local law enforcement agency.

Ambulance and emergency medical service cost is the parent's responsibility but should never be a deterrent in providing this emergency service.

Emergency Situations

For critically injured or ill students who may warrant an ambulance or emergency medical service, the following procedures should be taken:

A. Determine how severe the emergency is.

B. Call ambulance or emergency medical service.

C. Administer necessary first aid, if trained or if prudence requires.

D. Contact the principal.

E. Call parent. If parent cannot be located, call designated emergency number on Form 5341 F1.

F. Complete an accident report Form 5340 F1.

Nonemergency Situations

There are those situations when the injury or illness of the student is not considered an emergency. In such situations:

A. notify parent (emergency number provided) to pick up the student and provide whatever information is available to help the parent decide whether or not the student should receive medical care;

B. if the parent has no available transportation, discuss other possible alternatives they might have (neighbor, relative, taxi, etc.);

C. in the event the parent cannot provide any alternative suggestions for transportation, the principal should arrange for two (2) (if possible) staff members to transport the student home or to the location designated by the parent.

There may be situations in which the principal may designate staff members to transport the student to the doctor or the emergency room, after the parent has been notified, with the plan that the parent will meet school personnel with the student on arrival. This may be a situation when time is a factor, but emergency medical service or an ambulance is not warranted.

© Neola 2012

ag5350

SUICIDE INTERVENTION PROCESS

5350 - **SUICIDE INTERVENTION PROCESS**

In compliance with Board of Education Policy 5350, any time a staff member encounters a situation in which a student appears to be contemplating suicide, the following process should be followed carefully.

Step One - Stabilize the Situation

A. Under no circumstances is a suicidal student to be left alone.

B. Converse with the student immediately to determine if s/he has any dangerous instrumentalities (weapon, substance, or other material capable of inflicting a mortal wound) on or nearby his/her person.

C. If the student will allow, immediately remove any dangerous instrumentalities from the student and the student's environment.

D. If the student will agree, accompany him/her to a prearranged, nonthreatening place away from other students and other people but where there is another adult and a telephone close by. If the Principal can be notified without leaving the student, do so as quickly as possible. If the student will not agree, stay calm and remain with him/her until someone comes.

Either the Principal (if available) or the staff member should proceed to Step Two without delay.

Step Two - Assess the Risk (see Form 5350 F2)

A. Stay relaxed and talk calmly to the student to assess the risk of the student harming himself/herself. Listen intently to what the student is saying and avoid giving advice. Keep questions nonjudgmental.

B. If the student will not relinquish a dangerous instrumentality, use EXTREME RISK PROCEDURE (Step Three A).

C. If the student is in imminent danger of harming himself/herself, use SEVERE RISK PROCEDURE (Step Three B).

D. If the student is not in imminent danger of harming himself/herself, use MODERATE RISK PROCEDURE (Step Three C).

Step Three - Take Appropriate Action

A. EXTREME RISK PROCEDURE

1. Contact the police, parent or Trumbull County Mental Health.

2. Keep the student engaged in conversation as well as reassuring him/her until the police arrive.

3. After the police arrive, and if good rapport has been established with the student, remain present to provide continuity and support as the police attempt to get the student to relinquish the dangerous instrumentality.

4. Contact the student's parents and inform them of what has transpired and of the actions being taken.

B. SEVERE RISK PROCEDURE

1. Determine if the student's distress is the result of parental abuse, neglect, or exploitation. If so, notify Children's Services immediately, give them the facts, request them to intervene, and follow their instructions. If not, call the Trumbull County Mental Health Services immediately, give them the facts, request them to intervene, and follow their instructions.

2. If neither agency will intervene before the end of the school day, call the emergency squad.

3. Make sure the student's parents have been contacted.

C. MODERATE RISK PROCEDURE

1. Try to determine the reason(s) for the student's distress. Contact the parents, give them the facts, and ask them to come to the school right away.

2. Assist the parents in making contact with an agency or resource person who can provide appropriate intervention.

Step Four - Communicate

A. Inform the appropriate members of the District staff such as the school psychologist and the student's teachers and counselors of the facts and the actions being taken. Alert them that they need to observe the District's confidentiality requirements (AG 2411), although the occurrence was not something that developed during counseling. (complete Form 5350 F1)

B. **If the parents request**, inform the student's close friends of the facts and the actions being taken.

Step Five - Follow-Up

A. Determine the extent to which emergency or short-term procedures were completed properly.

B. Find out if arrangements have been made for long-term clinical and/or support services.

C. If neither short-term procedures nor long-term services were properly conducted or pursued, consult with the Superintendent to determine appropriate action.

D. Maintain continuing contact with the student to communicate interest in his/her welfare and support of the long-term services being provided.

E. Remain alert to the possibility of "copy-cat" suicide attempts by other students.

F. Evaluate Steps A - E.

RE-ENTRY PROCEDURE

For students returning to school after a mental health crisis (e.g., suicide attempt or psychiatric hospitalization), a school employed mental health professional, the Principal, or designee will meet with the student's parent or guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to assess the student's readiness for and facilitate his/her return to school.

A. A school employed mental health professional or other designee will be identified to coordinate with the student, their parent or guardian, and any outside mental health care providers.

B. The parent or guardian will provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.

C. The designated staff person will periodically check in with student to help the student readjust to the school community and address any ongoing concerns.

SUICIDE POSTVENTION PROCESS

If, in spite of all intervention efforts, a suicide should occur, implement the District's Crisis Intervention Plan.

If additional guidance is needed, contact the American Association of Suicidology, 5221 Wisconsin Avenue N.W. 2nd Floor, Washington, D.C. 20015. (202) 237-2280.

© Neola 2015

ag5360

RECESS GUIDELINE FOR HARSH WEATHER

5360 - **RECESS GUIDELINE FOR HARSH WEATHER**

Each principal, **in collaboration with staff,** is to establish the criteria (weather conditions) for determining, on a day-by-day basis, when recess will be held. The decision may vary from grade to grade.

Conditions that should be considered are:

A. temperature;

B. wind chill (see next page);

C. age;

D. length of time outdoors;

E. adequacy of clothing of the children;

F. condition of the playground.

Recess will only be held outdoors if the temperature is above 32 degrees, with consideration of wind chill temperatures.

IMPORTANT - Children with special health conditions, in particular, asthmatic children, may need special accommodation of their needs during cold weather or periods of high pollen or inversion. The parents of these children are to be consulted in creating a workable system for determining when other arrangements are necessary and for the child's supervision.

Hot Weather Guidelines:

A. Provide for frequent water breaks or have plastic water bottles easily accessible.

B. Watch carefully for possible heat exhaustion or over-exertion but do not give salt tablets, unless authorized.

C. Plan for less vigorous physical activity after mid-day.

ag5410

PROMOTION, PLACEMENT, AND RETENTION

5410 - **PROMOTION, PLACEMENT, AND RETENTION**

Optimal school achievement is obtained when students experience success in their daily activities and build upon successful experiences as they encounter new learning situations. All aspects of the student must be considered as grade placements are made.

DEFINITIONS

A. **Promotion:**

Occurs when a student is doing the caliber of work (grade level) that indicates the student has met the criteria established in Policy 5410 and restated below.

B. **Placement:**

Occurs when a student is not doing the caliber of work that indicates the student should be promoted to the next grade. However, the Student Intervention Team recommends and the building administrator concurs, that it is in the student's best interest to move to the next grade.

C. **Retention:**

Occurs when a student is not doing the caliber of work that indicates the student should be promoted to the next grade, based on the recommendation of the Student Intervention Team with the concurrence of the building administrator.

D. **Student Intervention Team:**

A Student Intervention Team is to be appointed by the principal each year to consider situations in which students may not be promoted to the next grade or may not graduate. Such a team should include:

1. classroom teachers,

2. counselors and other support staff,

3. building principal,

4. parents.

Final decisions on student promotion, placement, or retention rest with the building principal, except that the parent or guardian of a student who has not attained at least the equivalent level of achievement pursuant to R.C. 3301.0710(A) may request that the student be promoted to fourth grade after consultation with the student's reading teacher and building principal. However, a building principal may decide to retain a student based on additional factors such as the student's performance in other subjects.

To implement Board policy, the following procedures and guidelines are to be utilized.

Elementary Level

A. Criteria

1. To be promoted the student must satisfactorily complete the majority l of the academic subjects.

2. Failure to complete the majority of the academic subjects will cause the principal to convene the Team.

3. When the Team is convened, the following criteria shall be considered:

    a. current level of achievement

    b. potential for success at the next level

    c. emotional, physical, and social maturity

B. Time Line for Elementary Grade Assignment Changes

1. Before Parent/Teacher Conference: Principal will review grade placement procedures with teachers.

2. October-February: Teacher should inform parents of student progress.

3. Early March: Teacher will notify principal, if an alternative grade placement or retention is being considered. The Team may be convened by the principal.

4. By the end of April: If placement or retention is still being considered, parents should be notified by this time and commitment to the decision secured, if possible.

5. April-May: Decision on placement or retention is made, the student Grade Placement Recommendation is completed, and the student's parents are notified of the decision.

Middle School Level

A. Criteria

1. To be promoted the student must successfully complete a majority of the required academic subjects.

2. Failure to complete the majority of the academic subjects will cause the principal to convene the Team.

B. Time Line for Middle School Grade Assignment

1. Before Parent/Teacher Conferences: Principal will review, with teachers, grade placement procedure.

2. October-February:: Teacher should indicate concern to parents and should initiate documentation. Any concerns should be reflected on report cards.

3. Early March: Teacher will notify principal, if an alternative grade placement or retention is being considered. The Team may be convened by the principal.

4. By the end of April: If placement or retention is still being considered, parents should be notified by this time and commitment to the decision secured, if possible.

5. April-May Decision on placement or retention is made, the student Grade Placement Recommendation is completed, and the student's parents are notified of the decision.

High School Level

Criteria

A. To earn credit for a course, the student must satisfactorily complete the requirements established in the graded course of study as well as those set by the teacher.

B. For the official records, student class placement will be determined in the following manner:

Freshman= 5 or less credits

Sophomore=at least 6 credits

Junior=at least 12 credits

Senior=at least 18 credits

C. Students enrolling from schools having different graduation requirements will have their credits pro-rated for class placement.

D. All incoming students will be informed of these requirements at the time of admission.

E. Failure to satisfactorily complete a course will result in no credit earned unless and until the student re-enrolls in the course and satisfactorily completes it.

Retention - All Levels

Retention may be a necessary outcome in those circumstances where a student demonstrates an inability to perform work sufficient for promotion to the next grade. Retention must be based on the recommendation of the Student Intervention Team with the concurrence of the building administrator. Notwithstanding the above, the parent or guardian of a student who has not attained at least the equivalent level of achievement pursuant to R.C. 3301.0710(A) may request that the student be promoted to fourth grade after consultation with the student's reading teacher and building principal. However, a building principal may decide to retain a student based on additional factors such as the student's performance in other subjects.

A student may be placed at the next grade level when retention would no longer benefit the student.

Prior to making the decision to retain a student in a grade level consistent with the criteria set forth in Board policy:

A. notification must first be provided to parents of the possibility that a child may be retained;

B. documented efforts to remediate the student's difficulties will be provided to the building principal.

Parents may appeal any decision to retain their child to the building principal who will conduct an informal hearing on the matter. The decision of the building principal will be final.

Parents may request that their child be retained at a grade level. Such requests shall be considered in accordance with retention criteria set forth in Board policy.

In the case of a student who has been truant for ten percent (10%) or more of the required school days and has failed at least two (2) courses of study, retention may occur unless the principal and the teachers of the failed subjects determine that the student is academically prepared to be promoted.

© Neola 2023

ag5420A

REPORTING STUDENT PROGRESS

5420A - **REPORTING STUDENT PROGRESS**

Reporting student progress serves many purposes, the most important of which is helping students and their parents understand how well the student is achieving program objectives and accomplishing the educational goals of the District.

To comply with Board of Education Policy 5420, each principal, in cooperation with the school's professional staff, is to prepare for the Superintendent's approval a plan for progress reporting that includes how:

A. report cards will be prepared, reviewed, and then delivered to parents;

B. parent conferences will be conducted both in terms of logistics and methods for involving the parent in any problem-solving and decision-making that may be needed;

C. follow-up will occur whenever a parent conference produces a plan of action for helping a student improve or maintain current performance.

ag5420B

PARENT-TEACHER CONFERENCES

5420B - **PARENT-TEACHER CONFERENCES**

The parent-teacher conference can play a significant role in the education of our students in three (3) important ways:

A. providing the teacher with vital information from parents that will strengthen the plans and strategies the teacher uses with a student

B. helping parents understand more clearly what the school and the teacher are trying to accomplish with a student, what is required for students to accomplish such results, and what the parent can do to facilitate the process

C. building a strong home-school partnership that has implications for support of school programs beyond particular classroom or grade.

© Neola 2006

ag5421

GRADING

5421 - **GRADING**

Since grades play such a significant role in the life of a student, it is imperative that the Board of Education's grading policy be implemented with as much professional expertise as can be applied. In determining grades at the various levels, staff should observe the following administrative guidelines.

Grade Reporting Date

The mandatory grade report date for all District staff shall be on the fifth (5th) calendar day following the last day of the preceding grading period; "report" means to input grades into the District's grading system so that the information can be accessed by the District's administrators as well as other persons having permitted access.

Grades

Reporting in these grades will be by report card using the following marking system:

A - 90 - 100 Excellent Achievement

B - 80 - 89 Good Achievement

C - 70 - 79 Satisfactory Achievement

D - 60 - 69 Minimum Acceptable Achievement

F - Below Passing

P - Passing

I - Incomplete

General Considerations

Students will receive one grade per subject at the end of each grading cycle.

No grade using + or - may be used on report cards.

The final grading system to be used will be:

The final grade for each student for each of his/her subjects will be computed with the use of the nine (9) weeks marking period grades plus the grade on a final exam, if given.

© Neola 2008

ag5421B

GRADING CRITERIA

5421B - **GRADING CRITERIA**

The following guideline provides criteria which describe the characteristics of a student who is functioning at different levels of proficiency according to the District's grading system.

A student who receives an A grade should be one who consistently:

A. demonstrates **outstanding** scholarship and a high level of achievement of specific knowledge and skills;

B. established criteria from individual teachers.

A student who receives a grade of B should be one who frequently:

A. demonstrates above-average scholarship and achievement in the designated subject area and in mastery of specific knowledge and skills;

B. established criteria from individual teachers.

A student who receives a C grade should be one who:

A. demonstrates average scholarship and achievement of specific knowledge and skills;

B. established criteria from individual teachers.

A student who receives a D grade should be one who:

A. is below average in mastery of the knowledge and skills established by the course of study;

B. generally fails to make up work s/he has missed if absent;

C. established criteria from individual teachers.

A student who receives an F grade should be one who:

A. does not fulfill the course requirements as established by the course of study;

B. infrequently completes assignments and generally fails to make up work s/he has missed if absent;

C. established criteria from individual teachers.

ag5430

CLASS RANK

5430 - **CLASS RANK**

The Board of Education has authorized the use of a class ranking system for grades nine (9) through twelve (12) and an honor roll for all grades.

At the end of the sophomore year, the junior year, and finally at the end of the second report period in the senior year, students will be ranked scholastically. The final average will be used in all subjects in which units of credit are given to calculate an average. This ranking is requested by colleges, is used to determine the eligibility for membership in the National Honor Society, is used to determine eligibility for the Governor's Merit Scholarship and Ohio Guaranteed Admissions Program, and is used for certain senior honors.

A. Class rank shall be computed by the final grade in all subjects. Any two (2) or more students whose computed grade point averages are identical shall be given the same rank.

B. The rank of the student who immediately follows a tied position will be determined by the number of students preceding that student and not by the rank of the person preceding that student.

   The rank of the student will be determined by grade point average. All students receiving the same GPA shall receive the same class rank.

C. A student's grade point average and rank in class shall be entered on the student's record and shall be subject to the Board's policy on release of student records. Rank in class shall be entered on the student's records and on all transcripts.

© Neola 2026

ag5451A

RECOGNITION OF STUDENT ACHIEVEMENT

5451A - **RECOGNITION OF STUDENT ACHIEVEMENT**

Each principal, in collaboration with appropriate staff, is to prepare a list of achievements by students in curricular, co-curricular, and extra-curricular activities that will qualify the student for special recognition by the school and possibly by the Board of Education.

Each school may submit to the Superintendent at any time, recommendations that the Board provide special recognition to any student or group of students who demonstrate unusual accomplishment.

Honor/Merit Rolls-grades 4-12

Each school shall establish an honor/merit roll(s) to publicly recognize high academic achievement. The same criteria and standards are used throughout the District.

The honor roll lists are to be published in school and community newspapers when possible.

ag5460

GRADUATION REQUIREMENTS

5460 - **GRADUATION REQUIREMENTS**

In order for a student to qualify for a diploma in this District, s/he must have satisfactorily completed the following courses and earned at least twenty-three (23) credits.

Graduation must be earned by passing all mandated subjects, a major sequence, and earning total units required for the specific diploma sought. Credit toward graduation shall be granted for any course that a student successfully completes outside of school hours at an accredited postsecondary institution whether or not the course was paid for by the District or by the parents or student. In addition, students in graduating classes before 2018 must attain the applicable score on the tests required by the State Board of Education for graduation in reading, writing, mathematics, science and social studies. Each student must demonstrate, unless exempted, the required level of skill in reading, writing, mathematics, science, and social studies at the end of the tenth grade.

As an alternative to the requirement that a student in a graduating class before 2018 having to attain the applicable scores on the Ohio Graduation Tests ("OGT") in order to be eligible to graduate, a student may meet the OGT testing requirements if s/he satisfies all of the following conditions:

A. passes four (4) out of five (5) OGT tests and has missed passing the fifth test by ten (10) points or less

B. has a ninety-seven percent (97%) school attendance rate in each of the last four (4) school years, excluding any excused absences

C. has not been expelled from school in any of the last four (4) school years

D. has a grade point average of at least 2.5 out of 4.0 in the subject area of the test not yet passed

E. has completed the high school curriculum requirement in the subject are area of the test not yet passed

F. has participated in any intervention programs provided by the District in the subject area and has a ninety-seven percent (97%) attendance rate, excluding any excused absences, in any of those programs provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from another source; and

G. holds a letter recommending graduation from each of the student's high school teachers in the subject area not yet passed and from the high school director

Students in special education shall receive a diploma if certified they have properly completed the requirements of their IEP, and unless exempted, they take the tests required by the State Board of Education for graduation, with or without accommodations. Students should not be exempted from taking the prescribed tests unless no accommodation can be made to enable the student to take the test. They shall participate in all graduation activities.

Diploma - The requirements for graduation are based on grades nine (9) through twelve (12) listed below. However, no student shall be required to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early.

For Graduating Classes of 2014 and Beyond:

Each student must earn at least twenty-three (23) credits in order to graduate and receive a diploma. The distribution of such credits is to be as follows:

English Language Arts	4
Health	1/2
Physical Education	1/2
Mathematics	4 (including 1 unit of Algebra II or the equivalenton a Student Success Plan may be exempted from taking Algebra II)
Science	3 (including 1 in life science, 1 in Physical science, and 1 unit advanced study in one or more of the following Sciences: chemistry, physics, or other physical science; advanced biology or other life Science; astronomy, physical geology, or other earth or Space science)
Social Studies	3 (1 in World Studies, 1 in US Studies, 1 in American Government)

Five (8) electives	(including 1 whole unit or any combination of foreign Language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education or English language arts, mathematics, science or social studies courses not otherwise required.
Economics and Financial Literacy	All students must receive instruction in economics and financial literacy during grades 9-12.
Fine Arts	All students must complete at least two (2) semesters of fine arts taken any time in grades 7-12. Students following a career-technical pathway are exempted from the fine arts requirement.

Students can earn from 1-5 points for each exam, based on their performance.

5 = Advanced

4 = Accelerated

3 = Proficient

2 = Basic

1 = Limited

Students studying Advanced Placement (AP), International Baccalaureate (IB), or taking dual enrollment courses in physical science, American history, or American government may take assessments aligned to those courses in lieu of end-of-course exams to avoid double testing.

Unless otherwise exempted, students must accumulate a minimum of eighteen (18) points from scores on their end-of-course exams to become eligible for a diploma.

Students who score below proficient on an exam may retake it after receiving extra help on the course content. Students who score proficient or higher on an end-of-course exam may retake the exam only if, once they take all exams, they have not met the minimum number of graduation points needed to graduate. In such a case, a student may retake any exam after receiving help on the course content. These same provisions shall apply to substitute exams, which may be used interchangeably with approved tests.

Assessment Options

Students who do not earn the required number of graduation points can become eligible for a diploma if they earn a remediation-free score on a national college admission test. This assessment will be given to students free-of-charge in the Fall of the 11th grade year starting with the graduating class of 2018.

Students may also qualify for graduation by earning an approved industry-recognized credential and achieving a workforce-readiness score on a related job skills assessment.

Other

Credit may be earned at an accredited postsecondary institution.

One (1) unit is a minimum of 120 hours of course instruction, except that for a laboratory course, it is a minimum of 150 hours of course instruction.

One-half (1/2) unit is a minimum of sixty (60) hours of course instruction, except that for physical education courses, it is a minimum of 120 hours of course instruction.

Students below the ninth grade level may take high school courses for advanced credit toward graduation. In order to receive such credit, the course must be taught by a person certified/licensed to teach in high school and the course must be designated by the Board as meeting the high school curriculum requirements.

Any person, residing in the District, who has completed the academic requirements in any high school but has not passed all the tests required by the State Board of Education for graduation is to be awarded a diploma from this District if s/he retakes and passes any unpassed tests at the high school during the designated testing days, unless excused from the tests as provided in law. The person is not required to meet the requirements established by this District.

© Neola 2015

ag5460A

CRITERIA FOR AWARDING THE DIPLOMA WITH HONORS

5460A - **CRITERIA FOR AWARDING THE DIPLOMA WITH HONORS**

Graduating Classes of 2011 and Beyond (beginning with students starting high school in Fall 2007):

A. The District shall award the Diploma with Honors to any student who has fulfilled the following requirements:

1. met the course, credit, and other requirements established by the Board or completed the IEP developed for the student

2. attained at least the applicable score on the tests required by the State Board of Education for graduation

3. completes the academic curriculum in the high school and has met at least seven (7) of the following eight (8) criteria:

    a. earn four (4) units of English

    b. earn at least four (4) units of Mathematics, which shall include Algebra I, Geometry, Algebra II or equivalent and another higher level course or a four (4) year sequence of courses which contains equivalent content

    c. earn at least four (4) units of Science, including physics and chemistry

    d. earn four (4) units of Social Studies

    e. earn either three (3) units each of one (1) foreign language, or two (2) units each of two (2) foreign languages (must include no less than two (2) units for which credit is sought)

    f. earn one (1) unit of fine arts

    g. maintain an overall high school grade point average of at least 3.5 on a 4 point scale up to the last grading period of the senior year, or

    h. obtain a composite score of 27 on the American College Testing Program's (ACT) Tests, or an equivalent composite score of 1210 on the Scholastic Assessment Test (SAT)

3a. completes an intensive career-technical education curriculum in the high school and has met at least seven (7) of the following eight (8) criteria:

a. earn four (4) units of English

b. earn at least four (4) units of Mathematics, which shall include Algebra I, Geometry, Algebra II or equivalent and another higher level course or a four (4) year sequence of courses which contains equivalent content

c. earn at least four (4) units of Science, including physics and chemistry

d. earn four (4) units of Social Studies

e. earn four (4) units of Career-Technical education program that leads to an industry-recognized credential, apprenticeship, or be part of an articulated career pathway which can lead to post-secondary credit

(Otherwise, the student must achieve the proficiency benchmark established for the applicable Ohio Career-Technical competency assessment of the equivalent.)

f. maintain an overall high school grade point average of at least 3.5 or 4 point scale up to the last grading period of the senior year

g. achieve proficiency benchmark established for appropriate Ohio Career-Technical Competency Assessment or equivalent assessment aligned with State-approved and industry validated technical standards

h. obtain a composite score of 27 on the American College Testing Program's (ACT) tests, or an equivalent composite score of 1210 on the Scholastic Assessment Tests (SAT)

B. Students shall not be required to meet more than the specified number of criteria described in #3 or #3a above, nor shall any student be required to meet any one of such specified criterion.

C. Students shall not be required to make application or declare their intention to qualify for the Diploma with Honors.

D. Before the beginning of each school year, the high school principal shall notify all high school students and their parents of the criteria required for earning the Diploma with Honors.

E. The Principal shall notify the Director of TCTC (joint vocational school) of the requirements established by the Board for District students to be awarded a Diploma with Honors. The principal shall request and verify that the joint vocational school district provides to each enrolled District student, at the beginning of each year, the Board's requirements for both a regular diploma and the Diploma with Honors. In addition, the principal is directed to obtain from the JVS by no later than April 1st the diploma status for each enrolled District student.

© Neola 2012

ag5460B

CRITERIA FOR CREDIT FLEXIBILITY PLAN

5460B - **CRITERIA FOR CREDIT FLEXIBILITY PLAN**

This guideline identifies the criteria relevant to the development of the District's Credit Flexibility Plan. The District Credit Flexibility Plan offers a variety of learning opportunities for students with a focus on performance, acknowledges students' differing learning styles, paces, and interests, and enables students to demonstrate creativity, explore academic and career interests, and practice critical thinking. Students may earn credits by:

A. completing coursework;

B. testing out of or demonstrating mastery of course content; and/or

C. pursuing one (1) or more educational options in accordance with the District Credit Flexibility Plan.

The Plan, provides that:

A. any student is eligible to be considered for alternative ways to earn credit toward graduation, but students must meet the conditions prescribed in order to earn the credit;

B. students who "test out" of coursework may use one (1) or more mechanisms from the State's pre-approved list, including various commercial assessments or performance-based means;

Locally-developed assessments meeting the stated criteria of being developed in accordance with quality guidelines and/or through peer reviewed processes may be utilized.

C. issuance of credit will be determined locally by:

1. teachers;

2. a multidisciplinary team;

3. a professional panel from the community; or

4. a State performance-based assessment.

D. when educational options are utilized, the school and students will pre-identify and agree on the learning outcomes;

E. provisions of the Plan shall be communicated to students and parents on an on-going basis (at least annually), using multiple communications strategies;

Data concerning the methods and frequency of communication with students and families will be reported to the Ohio Department of Education (ODE).

F. performance data shall be collected and analyzed, including the number of students participating in the Plan, total credits earned, and the extent to which student participation reflects the demographic diversity of student enrollment;

G. an appeals process shall be available in the event that a proposed credit alternative is denied by the school or District;

H. credits earned under the Plan shall be reported on student transcripts in the same way that traditional coursework credit is reported;

I. the Board will review the policy provisions and the District Credit Flexibility Plan regularly.

The following component of Ohio's Core Curriculum Initiative shall be included in the development, review, and implementation of the District's Credit Flexibility Plan:

A. Demonstrated proficiency options shall be allowed on an on-going basis.

B. Demonstrated proficiency options shall be allowed to count toward graduation course requirements as well as toward elective credit.

C. The plan shall not cap nor limit the number of courses or credits that may be earned through approved options.

D. The plan shall allow for simultaneous credit to be earned in academic and career-technical content in more than one (1) academic content or course (department) area, and in secondary and postsecondary study.

E. The plan shall allow for partial credit to be earned.

F. Graded and pass/fail options should be allowed for demonstrated proficiency options. Graded options will count in GPA/class ranking.

G. The plan shall determine credit equivalency for the Carnegie unit.

H. The plan shall allow student access to on-line or virtual education, postsecondary options, or programs offered by another district approved by the Board. The Plan may allow for credit to be accepted from other districts and education providers (including on-line providers) in accordance with Ohio's Operating Standards.

I. The plan shall provide for instances when students do not complete specified requirements for earning credit.

J. The plan shall provide for student transfer between districts and early graduation.

K. The plan shall provide for student eligibility in accordance with OHSAA bylaws (441, 448) for interscholastic athletics.

ag5463

STUDENT TRANSFER FROM NON-CHARTERED SCHOOLS AND ENROLLMENT FROM HOME EDUCATION

5463 - **STUDENT TRANSFER FROM NON-CHARTERED SCHOOLS AND ENROLLMENT FROM HOME EDUCATION**

Whenever a student seeks to transfer into the District from a non-chartered school or enroll in the District following a period of home education, the following procedures should be used to determine the student's proper grade placement or credits toward graduation.

A. Identify the grade level that the student's age would indicate is the likely grade placement.

B. Review the courses of study for that grade to determine the critical learnings that would be a prerequisite for success at subsequent grade levels or courses.

C. Review the student's performance (if available) on tests and/or other means of assessment that were used to assess the student's learning while participating in the non-chartered school or being home-educated. Determine whether the critical learnings identified in the District's courses of study were properly assessed and, if so, how well the student has achieved each critical learning.

D. If no prior assessment data is available, identify which tests (standardized or District-made), as well as other means of assessment (research project, term paper, and the like), could be used to assess the student's achievement of the critical learnings and arrange for the student to be assessed.

E. Interview the student and/or parents.

F. If the assessment so indicates, assign the student to the grade or course level suggested at the first step (with or without special assistance).

G. Make arrangements for any form of special assistance that will be needed for the student to succeed at that level.

H. If the assessment indicates that another grade or course level is more appropriate, register the student in that grade or course level and make whatever arrangements are necessary to provide for any needed assistance indicated by the assessment.

A student transferring/enrolling into a school in the District shall be placed in the appropriate grade level, without discrimination or prejudice.

© Neola 2024

ag5511

DRESS AND GROOMING

5511 - **DRESS AND GROOMING**

Each principal, in consultation with building staff, shall develop a dress code that complies with Board of Education Policy 5511. The code should delineate what types of clothing or manner of clothing does not comply with Board policy and why such clothing or manner of wear is not permitted.

It is essential that any such restriction on students also applies to central office administrators, building administrators, and all professional staff so that District leadership of students is by example rather than fiat.

© Neola 2022

ag5513

CARE OF PROPERTY

5513 - **CARE OF PROPERTY**

The following guidelines shall be followed to ensure proper implementation of Board of Education policy.

A. **Furniture and Equipment**

1. Furniture or equipment is not to be moved from its assigned location without the permission of the principal.

2. Students shall operate school equipment only when authorized by the principal or supervising staff member and only if the student has been properly trained in both the operating and safety procedures associated with the equipment.

B. **Personal Property**

From time-to-time students and teachers use personal equipment to enrich the educational program. It is the teacher's responsibility to inform his/her principal so that arrangements can be made for safekeeping such property. The District is not responsible and cannot obtain insurance to cover such property. All such equipment shall be inspected to ensure its safety for classroom use.

C. **Security Deposit**

Each year, each student may be required to maintain a deposit as security for any loss or damage to District property and equipment. The amount of the deposit shall be determined by the principal. The deposit balance is to be returned to the student at the close of the school year or when the student transfers or withdraws from the school.

D. **Textbooks** (see Form 5513 F1)

1. teachers shall keep a written account of all textbooks issued to students. The accounting shall include the following:

    a. name and number of book

    b. condition

    c. student's name

    When textbooks are returned at the end of the school year, they shall be checked against the record.

2. In the case of the students being graduated,student will not receive his/her diploma until all obligations are met.

Parents and adult students shall be liable for any damages to or loss of school property caused by the student.

ag5515

USE OF MOTOR VEHICLES

5515 - **USE OF MOTOR VEHICLES**

A detailed description of the rights and responsibilities concerning student use of motor vehicles is to be contained in the high school student handbook. (See AG 5110).

Students are allowed to drive to and from school under the following conditions:

A. Students shall complete the Student Vehicle Form and provide the principal with a copy of the following documents:

1. driver's license;

2. insurance certificate;

3. form must be signed by student and his/her parent.

B. Driving to school, if approved, is a privilege. If abused in any way, it may be revoked at any time.

C. When transportation is available through the District, students shall not drive to school-sponsored activities.

D. Student obeys the parking lot speed limit of 10 mph.

E. Student makes timely payment in accordance with the fee schedule ($10 for the entire school year).

F. All vehicles entering school property are subject to search and inspection.

G. If a student's permit is suspended, no fees will be refunded. Failure to comply with these administrative guidelines will result in loss of privileges and/or disciplinary actions for the student.

ag5515A

OPERATION OF VEHICLES ON SCHOOL PROPERTY

5515A - **OPERATION OF VEHICLES ON SCHOOL PROPERTY**

The Motor Vehicle Code and the following guidelines apply to anyone who drives a vehicle onto District property.

A. Vehicles are to be operated on designated roadways and parking lots only. Drivers are prohibited from driving or parking on any natural areas of District property without the consent of the Principal.

B. The speed limit on District property is 10 mph.

C. In the event a vehicle is found to be parked or used improperly, the District may take one or more of the following actions:

1. Prohibit the person from driving on District property.

2. Contact the police to have the vehicle towed from the premises at the operator's expense.

3. Seek the assistance of law enforcement.

D. If a vehicle is towed from the premises, the towing company shall inform the Niles Police Department of the location of the vehicle.

E. The District shall not be responsible for any vehicle or items in a vehicle that are lost, stolen, or damaged as a result of being on District property.

ag5516

STUDENT HAZING

5516 - **STUDENT HAZING**

Policy 5516 applies to all athletic teams (whether interscholastic, intramural, or club teams); groups affiliated with an academic class such as band; Honor societies; performing arts groups; spirit groups (e.g., cheer, dance, drill, etc.); and any other student extracurricular activities, including any outside organizations that are affiliated with or that sponsor the extracurricular organization.

For the purpose of initiating, admitting, or affiliating a student into or with a team or extracurricular activity, or for the purpose of continuing or enhancing the student's membership or status on a team or in an extracurricular activity, intentionally, knowingly, or recklessly causing, coercing, or forcing a student to do any of the following, regardless of whether such conduct occurs on or off school property:

A. violate Federal or State criminal law;

B. consume any food, liquid, alcoholic liquid, drug, or other substance that subjects the student to a risk of emotional or physical harm;

C. endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;

D. endure brutality of a mental nature, including actively adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;

E. endure brutality of a sexual nature; or

F. endure any other activity that creates a reasonable likelihood of bodily injury to the student.

It is not a defense to a charge of hazing that the student consented to the conduct in question.

Policy 5516 also applies to behavior conducted online, via email, or through electronic media (e.g., texts, instant messages, social media) that relates to school activities and is not protected by freedom of expression. The District does not regularly search for online information but may act if such information is brought to the administration's attention.

Identifying Acts of Hazing

The following are key indicators that an individual is or has been subjected to hazing:

A. the activity is degrading and/or demeaning

B. there is risk of injury or a question of safety

C. alcohol or drugs are present

D. cryptic language is used to describe an event, activity, or interaction

E. active members of the team or extracurricular activity are unwilling to participate in the same activity with new members

F. active and new members are unwilling to discuss the activity with advisors, coaches, family members, or other school staff

G. members of the team or extracurricular activity justify their actions as “traditional” in an attempt to convince others that is an acceptable event

H. changes in behavior such as oversleeping, constant exhaustion, or an inability to focus

I. a drop in GPA

Reporting An Allegation or Incident of Hazing

Student safety is the District’s top priority. As such, the administration takes all reports of misconduct seriously to protect everyone’s health and well-being. The District depends on all community members (staff and students combined) to identify and report behaviors of concern so that the District can provide distressed students and employees with appropriate support services and resources. Any person having knowledge of any activity or conduct that may constitute hazing should contact the Superintendent, Building Principal, or Athletic Director. If an administrator, teacher, classified employee, coach, extracurricular activity advisor, or volunteer associated with an athletic team or extracurricular activity see any concerning and/or suspicious behaviors, the individual is required to report it to the Superintendent, Building Principal, or Athletic Director.

Students on an athletic team or participating in an extracurricular activity should immediately report any hazing incidents that occur within their team/activity to the Building Principal or Athletic Director, providing a detailed description of the events that have transpired, the names of any individuals involved, and a description of any actions taken by the coaches/advisors of the team/activity.

Anonymous reports may be submitted online at The Niles Police Department.

Making an intentionally false accusation of hazing is prohibited and subject to corrective or restorative action as enumerated in the Student Code of Conduct.

If a member of the school community is aware of immediate physical danger to a student or others, the person must contact local police or dial 911.

Investigations of Allegations and Charges

The District is committed to reviewing all reports of hazing. While anonymous reports are accepted, the District's ability to obtain additional information may be compromised and its ability to investigate anonymous reports may be limited.

Upon receiving a report of alleged hazing, the Building Principal or the Athletic Director will investigate the claims. As part of the investigation, the District will:

A. contact (if possible) the individuals bringing forward the allegations of hazing;

B. contact the individuals alleged to have perpetrated the hazing;

C. contact the coach or advisor associated with the team or extracurricular activity involved;

D. interview all parties, including victims, the accused students, and any witnesses;

E. request relevant information/evidence from the students involved (e.g., text messages, screenshots, pictures, videos).

During the course of the investigation, students may request to enter information into the record and may recommend specific witnesses to the investigators. Ultimately, the investigator will determine the relevance of the

information or the credibility of the witnesses.

Students participating in an investigation process are expected to do so in an active, cooperative, and truthful manner.

While students are required to attend investigation meetings, they will not be compelled to answer questions or provide information. If a student fails to participate in the investigation process, the District will nevertheless proceed to resolve the matter. No adverse inference will be drawn against a student who does not participate in the investigation process.

Falsifying, distorting, intentionally omitting, or misrepresenting information is a violation of the Student Code of Conduct.

The Building Principal/Athletic Director will determine whether interim/supportive measures are needed to protect the safety and/or well-being of anyone involved in the incident and offer such to affected individuals.

The District may encourage a student to undergo a physical examination, particularly when allegations of physical abuse are part of the hazing investigation. If the results of the physical examination are provided to the District, the report will be protected by applicable Federal and State laws, but the investigator may include a summary of any physical signs of hazing (i.e., bruises, burns, blood alcohol content, drug usage, etc.) in the investigation report.

Violations of Policy 5516 by employees may result in corrective action or discipline (including termination) in accordance with Board of Education policy and any applicable collective bargaining agreement.

Every effort will be made to complete the investigation in a timely manner.

The District will always notify the appropriate law enforcement agency(ies) when a report of hazing is received and document that the notification was made.

Retaliation

Retaliation against a person who makes a report or files a charge alleging unlawful student hazing/retaliation or participates as a witness in an investigation involving allegations or charges of student hazing/retaliation 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 R.C. 2903.31, or because that

individual made a report, charge, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing related to R.C. 2903.31 and/or Policy 5516, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by that law and/or Policy 5516.

Retaliation against a person for making a report of student hazing, filing a charge of student hazing, or participating in an investigation or meeting involving allegations or charges of student hazing is a serious violation of Policy 5516 that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Reports or charges of retaliation may be filed according to the procedures set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under Policy 5516 or this administrative guideline.

© Neola 2022

ag5517

ANTI-HARASSMENT

5517 - **ANTI-HARASSMENT**

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal:**

   The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. **Nonverbal:**

   Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. **Physical Contact:**

   Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, or ancestry may take different forms, including, but not limited to, the following:

1. **Verbal:**

   The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, or ancestry.

2. **Nonverbal:**

   Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, or ancestry.

3. **Physical:**

   Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, or ancestry.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. hugging, kissing, or other physical contact with a student
2. telling sexual jokes to students
3. engaging in talk containing sexual innuendo or banter with students
4. talking about sexual topics that are not related to curriculum
5. showing pornography to a student
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites, or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)

13. giving gifts or money to a student for no legitimate educational purpose

14. accepting gifts or money from a student for no legitimate educational purpose

15. being overly "touchy" with students

16. favoring certain students by inviting them to come to the classroom at non-class times

17. getting a student out of class to visit with the staff member

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)

20. being alone with a student behind closed doors without a legitimate educational purpose

21. telling a student "secrets" and having "secrets" with a student

22. other similar activities or behavior.

Investigation and Complaint Procedure

In determining whether the alleged conduct constitutes a violation of Policy 5517, the following factors will be considered:

A. the nature of the behavior;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs, and ancestry of the victim; and in case of genetic information harassment, the genetic information of the student victim;

F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;

G. the number of alleged harasser(s);

H. the age of the alleged harasser(s);

I. where the harassment occurred;

J. whether there have been other incidents in the school involving the same or other individuals;

K. whether the conduct adversely affected the person's work or education performance or environment;

L. the context in which the alleged incidents occurred;

M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and

N. whether a particular action or incident constitutes a violation of Policy 5517 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's written report to the Superintendent should contain the following information/documentation:

A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);

B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;

F. the outcome of the investigation; and

G. the response of school personnel, and, if applicable, District level officials, including the date any incident was reported to local law enforcement or children services.

© Neola 2013

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

5517.01 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

Definitions of Terms:

"Harassment, Intimidation, or Bullying" means any intentional written, verbal, graphic, electronic, or physical act that a student or group of students exhibited toward another particular student more than once and the behavior both:

A. causes mental or physical harm to the other student; and

B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also means cyberbullying through electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another particular student more than once and the behavior both:

A. causes mental or physical harm to the other student/school personnel; and

B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also includes violence within a dating relationship.

In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.

A school-sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized, or authorized by the Board of Education.

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

Types of Conduct

Harassment, intimidation, or bullying can include many different behaviors including overt intent to ridicule, humiliate, or intimidate another student. Examples of conduct that could constitute prohibited behaviors include:

A. physical violence and/or attacks;

B. threats, taunts, and intimidation through words and/or gestures;

C. extortion, damage, or stealing of money and/or possessions;

D. exclusion from the peer group or spreading rumors;

E. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/on-line sites (also known as "cyber-bullying"), such as the following:

1. posting slurs on web sites where students congregate or on web logs (personal on-line journals or diaries);

2. sending abusive or threatening instant messages;

3. using camera phones to take embarrassing photographs of students and posting them on-line/or otherwise distributing them;

4. using web sites to circulate gossip and rumors to other students; and,

5. excluding others from an on-line group by falsely reporting them for inappropriate language to Internet Service Providers.

F. violence within a dating relationship.

The following procedures shall be used for reporting, investigating, and resolving complaints of aggressive behavior and/or bullying.

Complaint Procedures

Building principals, assistant principals, and the Superintendent have the responsibility for conducting investigations concerning claims of aggressive behavior and/or bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee or third party who has knowledge of conduct in violation of Policy 5517.01 or feels s/he has been a victim of aggressive behavior and/or bullying in violation of Policy 5517.01 shall immediately report his/her concerns.

Teachers and other school staff, who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the building principal and/or his/her designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student or parent reports of suspected harassment, intimidation, and bullying shall promptly notify the building principal and/or his/her designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, s/he shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the building principal or his/her designee.

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of harassment, intimidation, or bullying in other interactions with students. School personnel may find opportunities to educate students about harassment, intimidation, and bullying and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

All complaints will be promptly investigated in accordance with the following procedures:

Step I

Any complaints, allegations, or rumors of aggressive behavior and/or bullying shall be presented to the building principal or assistant principal or the Superintendent. Students may also report their concerns to teachers or counselors who will be responsible for notifying the appropriate administrator or Board of Education official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the

Superintendent shall be filed with the Board President. Information may be initially presented anonymously. All such information will be reduced to writing and should include the specific nature of the offense (e.g., the person(s) involved, number of times and places of the alleged conduct, the target of the suspected aggressive behavior and/or bullying, and the names of any potential witnesses). If the person filing the formal complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the formal complaint is a minor, s/he may either sign the charge or affirm its veracity before two (2) administrators.

Step II

The administrator/Board official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The administrator/Board official will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator/Board official conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

Step III

If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten (10) work days of the appeal being filed.

Documentation related to the incident, other than any discipline imposed or remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.

Publication of the Prohibition Against Harassment, Intimidation, and Bullying

At least once each year, a written statement describing the policy and the consequences for violations of the policy shall be sent to each student's custodial parent/guardian. The prohibition against harassment, intimidation, or bullying shall be publicized in student handbooks and in District publications that set forth comprehensive rules, procedures and standards of conduct for students. Information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:

Harassment, intimidation, or bullying behavior by any student in the Niles City School District is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. "Harassment, intimidation, or bullying", in accordance with R.C. 3313.666 means any intentional written, verbal, graphic or physical act including electronically transmitted acts i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device, either overt or covert, by a student or group of students toward other students, including violence within a dating relationship, with the intent to harass, intimidate, injure, threaten, ridicule, or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school provided transportation, or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:

A. **Causing mental or physical harm to the other students including placing an individual in reasonable fear of physical harm and/or damaging of students' personal property; and,**

B. **Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other students.**

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of aggressive behavior and/or bullying is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated and may result in disciplinary action. This may include suspension 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. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

Remedial Actions

Verified acts of harassment, intimidation, or bullying shall result in an intervention by the building principal or his/her designee that is intended to provide that the prohibition against harassment, intimidation, or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of "harassment, intimidation, or bullying," as defined above will generally warrant disciplinary action against the perpetrator of such prohibited behaviors whether or to what extent to impose disciplinary action (detention, in and out-of-school suspension, or

expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the Board's prohibition against "harassment, intimidation, or bullying."

Non-Disciplinary Interventions

When verified acts of harassment, intimidation or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation, or bullying, its prohibition, and their duty to avoid any conduct that could be considered harassing, intimidating, or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

Disciplinary Interventions

When acts of harassment, intimidation, and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation, or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Reporting Obligations

If after investigation, acts of harassment, intimidation, or bullying by a specific student are verified, the principal 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.

If after investigation, acts of bullying against a specific student are verified, the Principal shall notify in writing 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.

Semiannually, the Superintendent shall provide the Board President a written summary of all reported incidents of harassment, intimidation, or bullying and post the summary on the District website [if one exists].

Intervention Strategies

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when such prohibited acts are verified, other District actions may ameliorate any potential problem with harassment, intimidation or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time-to-time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

A. Respectful responses to harassment, intimidation or bullying concerns raised by students, parents, or school personnel.

B. Planned professional development programs addressing targeted individuals' problem, including what is safe and acceptable Internet use.

C. Data collection to document victim problems to determine the nature and scope of the problem.

D. Use of peers to help ameliorate the plight of victims and include them in group activities.

E. Avoidance of sex-role stereotyping (e.g., males need to be strong and tough).

F. Awareness and involvement on the part of all school personnel and parents with regard to victim problems.

G. An attitude that promotes communication, friendship, assertiveness skills and character education.

H. Modeling by school personnel of positive, respectful, and supportive behavior toward students.

I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines).

J. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.

K. Form harassment, intimidation, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

Intervention Strategies for Protecting Victims

A. Supervise and discipline offending students fairly and consistently.

B. Provide adult supervision during recess, lunch time, bathroom breaks, and in the hallways during times of transition.

C. Maintain contact with parents and guardians of all involved parties.

D. Assist the victims to obtain counseling if assessment indicates that it is needed.

E. Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating, and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed.

F. Check with the victim daily to verify that there has been no incidents of harassment, intimidation, bullying, or retaliation from the offender or other parties.

Training

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying, including dating violence prevention education in grades 7-12, written or verbal discussion of the consequences for violations of Policy 5517.01, and their rights and responsibilities under this and other District policies, procedures, and rules, at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other District and school rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer, and parent handbooks.

Information regarding the policy on harassment, intimidation, and bullying behaviors shall be incorporated into training materials used with employees and volunteers with direct contact with students. The in-service education provided to middle and high school employees shall include training in the prevention of dating violence. Time

spent by school employees in the training, workshops, or courses shall apply toward any State or District-mandated continuing education requirements.

School personnel members are encouraged to address the issue of harassment, intimidation, and bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student, even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

Police and Child Protective Services

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services (CPS), according to the prescribed timelines. The School District shall also investigate for the purpose of determining whether there has been a violation of District Policy, even if law enforcement or CPS officials are also investigating. All School District personnel shall cooperate with investigations by outside agencies.

In addition to, or instead of, filing a bullying, harassment, or intimidation complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under other provisions of the Revised Code or law that may apply.

State Board of Education Model Policy (2012)

© Neola 2013

ag5517.02

SEXUAL VIOLENCE

5517.02 - **SEXUAL VIOLENCE**

This guideline provides additional information about the District's procedures in addressing allegations of sexual violence. All information below supplements Board Policy 5517.02 – Sexual Violence.

General Information

Sexual violence, for purposes of Policy 5517.02 and this guideline, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, intellectual or other disability, or use of drugs or alcohol). Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student's ability to participate in or benefit from the school's program. The District determines whether a hostile environment exists by evaluating the conduct from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence, such as a rape, may create a hostile environment.

Reporting and Notice

Upon notice, the District will investigate complaints of sexual violence. The District has notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence. A responsible employee includes any employee: (1) who has the authority to take action to redress sexual violence; (2) who has been given the duty of reporting incidents to the Anti-Harassment Compliance Officer ("Compliance Officer") or other appropriate school official; or (3) whom a student could reasonably believe has this authority or duty. Specific responsible employees at the District include:

A. teachers;

B. Principals;

C. law enforcement personnel.

Responsible employees must report incidents or allegations of sexual violence to the District's Compliance Officer.

The District receives notice of sexual violence in many different ways, including but not limited to: (1) formal complaints; (2) informal reporting by a student, parent, friend, or other individual to a responsible employee; (3) a responsible employee witnessing the violence. The District may also receive notice about sexual violence in an indirect manner, from sources such as a member of the local community, social networking sites, or the media. The District, however, will not investigate information shared by survivors during public awareness events or campaigns.

Subject to the exceptions listed below, responsible employees will report all relevant details about the alleged sexual violence, including: (1) the names of the alleged perpetrator (if known); (2) the student who experienced the alleged sexual violence; (3) other students involved in the alleged sexual violence; and (4) any other relevant facts, such as date, time, and location. Before the reporting student discloses the above information, the responsible employee will attempt to inform the student of the responsible employee's obligation to report the above information. The responsible employee will also endeavor to let the student know about his/her option to request confidentiality and of the student's ability to share information confidentially with counseling, advocacy, or other health services.

The District's mental health counselors, guidance counselors, social workers, and psychologists (as well as their interns) are exempt from this obligation. These District employees, however, will inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement. In addition to informing students about campus resources for counseling, medical, and academic support, these District employees will also communicate that they are available to assist students in filing such complaints, and explain that Federal law includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Confidentiality

As noted in Policy 5517.02 – Sexual Violence, students and/or parents occasionally request complete confidentiality. The Compliance Officer or designee must then balance the request for privacy with the District's obligation to provide a safe and non-discriminatory environment for all students.

In weighing such requests, the District may consider various factors, including but not limited to: (1) circumstances that suggest an increased risk of repeated sexual violence, such as the alleged perpetrator's previous history or threats; (2) whether the sexual violence was perpetrated with a weapon; (3) the age of the student subjected to the sexual violence; (4) and whether the school can obtain relevant evidence through other means, such as from security cameras or witnesses. For example, if the alleged perpetrator committed prior rapes, the District may investigate the present complaint in a way that may require disclosing the student's identity. As explained in Policy 5517.02 – Sexual Violence, the Compliance Officer or designee will inform the student and his/her parents prior to

disclosing the student's identity, and will take interim measures to protect the student and ensure the safety of others. The District will honor a student's or a parent's request to inform an alleged perpetrator that the District made the decision to proceed with the investigation and discipline without the student's or parent's consent. Compliance Officers or designees are aware that sexual violence can result in delayed decision making and that victims may initially ask for confidentiality, but later request a full investigation.

If a perpetrator requests to review and inspect information about the allegations, the District will comply with all Federal and State privacy laws. The perpetrator, for example, may review information maintained by the school as an education record, but the complainant's name will be redacted. The Compliance Officer will inform alleged victims about this possibility.

Investigation

The District's investigation process is detailed in Policy 5517.02 – Sexual Violence. The District's investigation will be adequate, reliable, impartial, and prompt. If a hearing occurs, both parties will be permitted to present witnesses and other evidence.

The District will coordinate its investigation efforts with any other ongoing criminal investigations of the incident and establish appropriate fact-finding roles for each investigator. The District will consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. If the investigation includes forensic evidence, the District may consult with local or campus law enforcement or a forensic expert to ensure that the evidence is correctly interpreted by school officials.

While the District will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation, it may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence. During this delay in the Title IX investigation, the District will take interim measures to protect the complainant. The District will also continue to update the parties on the status of the investigation and inform the parties when the school resumes its Title IX investigation.

If the District delays the fact-finding portion of a Title IX investigation due to an ongoing criminal investigation, it will promptly resume and complete its fact-finding for the Title IX investigation once it learns that the police department has completed its evidence gathering stage of the criminal investigation. The District will not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges. The District will work with its campus police, local law enforcement, and local prosecutor's office to learn when the evidence gathering stage of the criminal investigation is complete.

Off Campus Violence

The District investigates sexual violence complaints, regardless of where the conduct occurred. Specifically, the District determines whether any alleged off-campus sexual violence occurred in an educational program context or school activity. If so, the Compliance Officer or designee conducts the investigation in the same manner as with an on-campus complaint. Whether the alleged misconduct occurred in this context may not always be apparent from the complaint, so the District may need to gather additional information to make such a determination. Off-campus educational programs and activities include school-sponsored field trips, athletic team travel, and school club events. Even if the misconduct did not occur in the context of an educational program or activity, the District will consider the misconduct's effects when evaluating whether a hostile environment exists, because students often experience the continuing effects of off-campus sexual violence while at school or in an off-campus education program or activity.

Hearing

Both parties have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. The District, however, will not permit parties to personally question or cross-examine each other directly. Additionally, the District does not permit questioning about the complainant's sexual history with anyone other than the alleged perpetrator.

Interim Measures

The District takes interim measures to ensure equal access and protect complainants, even before the final outcome of an investigation. In doing so, the District first notifies the complainant that s/he may avoid contact with the alleged perpetrator. The District will allow the complainant to change academic and extracurricular activities as appropriate. The District will also inform the complainant about his/her Title IX rights and any available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, the right to report a crime to local law enforcement, and the right to seek judicial no-contact, restraining and protective orders. As explained in Policy 5517.02 – Sexual Violence, the District determines appropriate interim measures on a case-by-case basis.

Remedies

If its investigation reveals that sexual violence created a hostile environment, the District will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. As delineated in the District's Policy on Sexual Violence Policy 5517.02 remedies the District will consider include, but are not limited to:

A. providing an escort for the student to move safely between classes and activities;

B. ensuring the complainant and perpetrator do not share classes or extracurricular activities;

C. moving the perpetrator or complainant to another school within the District;

D. providing medical, counseling and academic support services for the complainant and/or perpetrator;

E. arranging for the complainant to have extra time to complete or re take classes or exams;

F. reviewing disciplinary actions against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined;

G. initiating evaluations for special education or accommodations/modifications under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1973; and

H. disciplinary action, up to and including expulsion, against the perpetrator.

In notifying both parties about the investigation's results, the District may notify the complainant about sanctions imposed on the perpetrator that directly relate to the complainant. Examples include:

A. requiring the perpetrator to stay away from the complainant;

B. prohibiting the perpetrator from attending school for a period of time; or

C. transferring the perpetrator to another school building.

Training

The District shall train all employees likely to witness or receive reports of sexual violence, including teachers, school law enforcement unit employees, school administrators, school counselors, athletic coaches, and health personnel. The District also shall provide training to the Compliance Officers and others involved in implementing the complaint procedures. Finally, the District provides student training.

All Employees

All employees shall receive training in:

A. practical information about preventing and identifying sexual violence, including same-sex sexual violence;

B. the behaviors that may lead to and result in sexual violence;

C. the attitudes of bystanders allowing the conduct to continue;

D. the potential for re-victimization by responders and its effect on students;

E. appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language;

F. the impact of trauma on victims; and

G. the person(s) to whom such misconduct must be reported, including the contact information for the Compliance Officer.

Responsible Employees

Individuals designated as responsible employees additionally shall receive training in: (1) their reporting obligations, including what should be included in a report; (2) consequences for failing to report; (3) the procedure for responding to confidentiality requests; and (4) what information must be provided to the student and/or parent. For example, responsible employees are trained to inform students about: (1) the employee's reporting responsibilities; (2) confidentiality options; (3) confidential advocacy, counseling, or other support services; and (4) their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement. Responsible employees are trained to report both complaints and actual sexual violence incidents, even without determining first whether a hostile environment exists or if the allegations are substantiated. Counseling staff shall also be trained about the extent to which they may keep a report confidential.

Compliance Officers

Compliance Officers and others involved in the District's complaint procedures shall receive training in investigating and addressing sexual violence complaints. The training includes:

A. information on working with and interviewing persons subjected to sexual violence;

B. information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence;

C. the proper standard of review for sexual violence complaints (preponderance of the evidence);

D. information on consent and the role drugs or alcohol can play in the ability to consent;

E. the importance of accountability for individuals found to have committed sexual violence;

F. the need for remedial actions for the perpetrator, complainant, and school community;

G. how to determine credibility;

H. how to evaluate evidence and weigh it in an impartial manner;

I. how to conduct investigations;

J. confidentiality;

K. the effects of trauma, including neurobiological change;

L. and cultural awareness training about how sexual violence may impact students differently depending on their cultural backgrounds.

Students

The District shall provide age-appropriate education about sexual violence to students and their parents. In the younger grades, the District covers these topics in its anti-bullying and harassment training. In the older grades, students receive training in specific topics, including: (1) Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school's policies; (2) the school's definition of consent applicable to sexual conduct, including examples; (3) how the school analyzes whether conduct was unwelcome under Title IX; (4) how the school analyzes whether unwelcome sexual conduct creates a hostile environment; (5) reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting; (6) the school's complaint procedures used to process sexual violence complaints; (7) disciplinary code provisions relating to sexual violence and the consequences of violating those provisions; (8) effects of trauma, including neurobiological changes; (9) the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence; (10) strategies and skills for bystanders to intervene to prevent possible sexual violence; (11) how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and (12) Title IX's protections against retaliation. The training also encourages students to report sexual violence, even if they are unsure whether the incident led to a hostile environment. The District emphasizes that its primary concern is student safety, and that use of alcohol or drugs never makes the survivor at fault for sexual violence.

Further, the District shall identify the individuals with whom students can speak confidentially, and offers information about resources such as victim advocacy, academic support, counseling, disability services, health, and mental health services. The District specifically shall identify its responsible employees and explains those individuals' reporting requirements, including the need to report the names of the alleged perpetrator and student involved in the sexual violence, as well as relevant facts including the date, time, and location. Confidentiality requests shall be discussed during the training.

The District shall provide the above training on a regular basis and periodically review its efficacy.

© Neola 2015

ag5520

STUDENT DISORDER

5520 - **STUDENT DISORDER**

Emergency Procedures for Handling Student Disorder

How effectively the building principal handles a disturbance depends frequently upon the speed and type of action which is taken. Hopefully, this plan will assist the principal in making effective and timely responses. The following guidelines will be useful in either preventing student disorder or managing it properly if it occurs.

During any student crisis, the building principal shall be in charge of the situation. The Superintendent may be called to advise and counsel but, to the extent s/he is available and it is appropriate, the principal shall serve as the spokesperson during the crisis period.

A. **Guidelines for Teachers**

1. Be alert to any deviation from normal group behavior.
2. Notify the principal immediately if information is received about a possible demonstration or other student unrest.
3. Conduct classes as usual; the majority of the students will remain in class.
4. Withhold comments about the demonstration until the facts are known.
5. Stand in the corridor at the change of classes and help clear the halls for orderly passage.
6. Be prepared to provide assistance if requested by the principal.
7. If possible, avoid physical contact with students during the time of incidents.
8. In the event of a demonstration, each teacher shall provide the principal with as many names of demonstrators as s/he can identify.

B. **Guidelines for Principals**

Serious Disorders

1. Involve immediate threat to the safety of persons and/or the destruction of property.

2. Telephone the police dispatcher/school resource officer for immediate assistance. Identify yourself by name and official responsibility; quickly and briefly describe the situation and the specific location of the disturbance.

3. Notify the Superintendent's office immediately and/or the local law enforcement indicating the nature and size of the disturbance.

4. Maintain a responsible person on the school communication system and have him/her keep the Central Office administration informed.

5. Advise faculty that classes are NOT to be dismissed unless so ordered by the principal's office. Classes should not be left unsupervised, regardless of number of students present.

6. If disturbances center around administrative offices, keep doors locked and admit no unauthorized personnel. Take action to secure files and records.

7. Lock outer doors to prevent admission of outsiders. However, check "panic bars" to make sure that doors can be opened from the inside. Make every effort to keep all outsiders not having official business out of the building. Board policy on visitors should be visibly posted. Ask the undesirable persons to leave. If they refuse, call the police immediately.

8. Limit persons making statements to disruptive students to school administrators or police.

9. Notify key members of the faculty of the impending development.

10. Attempt to determine the cause of the disturbance from student leaders. Student leaders referred to here are not necessarily school leaders, but "natural leaders" of groups.

11. Maintain a "log" in which are listed the date, time, and nature of each incident, names of persons involved, and description of the action taken.

12. Close school only after every effort has been made to keep it open.

    a. If, in the principal's opinion, the school should be closed, confer with the Superintendent. Legally, only the Superintendent or a designated assistant can authorize the closing of a school.

    b. If the request to close schools is approved, follow administrative guidelines for emergency closings (AG 8420).

C. **Student Boycott, Sit-Ins or Other Forms of Passive Resistance**

This situation assumes that no immediate crisis exists which endangers life or property and that some "lead time" is available.

Notify the Superintendent's office immediately and/or the Niles Police Department indicating the nature and size of the disturbance.

Proceed as noted above.

If it is determined that the disruptive students should return to their classes or be suspended, the principal should read the statement below to the students involved. Use a bull horn, public address, or other means in the presence of adult witnesses. The adults should be stationed at various locations in the area and be prepared to testify regarding the audibility of the warning:

May I have your attention, please. I am (principal's name), Principal, (name of school). As the official representative of the _____, I would like to make the following statement for your consideration:

You are being advised that your continued absence from class is disruptive to the orderly educational process of this school and in violation of the attendance laws of the State of Ohio. I am therefore directing you to return to class at once. Your refusal to comply with this directive could place you in jeopardy of being suspended from school. In cases of flagrant or repeated violation of the attendance laws of the State of Ohio, the Superintendent of the Niles City Schools or his/her designated representative may expel a student. I direct you again to please return to your classes at this time.

If it is the normal practice of the school or teachers to require "admission slips" of late students before admitting them to class, the building principal should either give such slips to those students wanting to return to class or announce over the public address system that students may be readmitted to class without such written permits.

If, after a reasonable length of time (five (5) minutes), the students do not return to class, and if the principal decides that the students should be suspended, the principal should read the statement printed below:

A short time ago, you were directed to return to class. You have not complied with the directive. You are therefore advised that you are considered to be truant and in violation of the normal rules and regulations of the Niles City Schools.

Your refusal to comply with a directive made by an official of the Niles City Schools is also considered to be a flagrant violation of proper conduct and in premeditated defiance of a school official. You are now advised that you are officially suspended from the Niles City Schools as permitted by state law.

During the time of your suspension from school, we request you to remain at home and off the streets during school hours and not attend any activities related to school. You should now leave the building at once. If you do not leave the building you shall be arrested for trespassing.

Follow all suspension procedures as described in AG 5600 and AG 5610.

If students trespass, loiter, or remain in the building or upon the grounds of any school against the directions of the building principal, s/he may contact law enforcement authorities.

© Neola 2009

ag5530A

USE OF ANABOLIC STEROIDS

5530A - **USE OF ANABOLIC STEROIDS**

In accordance with State law, the Principal is to ensure that the following notice is posted in all locker rooms of the District which are used by students in grades 7-12. The notice is to be placed in a conspicuous place and should be maintained in a legible condition.

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 AN ANABOLIC STEROID IS A CRIME PUNISHABLE BY A FINE AND IMPRISONMENT.

For information purposes with staff and students, Ohio Revised Code 3719.41, Schedule III defines Anabolic Steroids as follows:

Unless specifically excepted under Federal drug abuse control laws or listed in another schedule, any drug or hormonal substance chemically or pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), including any of the following, or any salt, ester, isomer, or derivative of any of the following that acts in the same manner on the human body:

BOLDENSONE	METHYLTESTOSTERONE
CHLOROTESTOSTERONE	MIBOLERONE
CLOSTEBOL	NANDROLONE
DEHYDROCHLORMETHYLTESTOSTERONE	NORETHANDROLONE
DIHYROTESTOSTERONE	OXANDROLONE
DROSTANOLONE	OXYMESTERONE
ETHYLESTRENOL	OXYMETHOLONE
FLOUXYMESTERONE	STANOLONE
FORMOBULONE	STANOZOLOL

MESTEROLONE	TESTOLACTONE
MEYTHANDIENONE	TESTOSTERONE
METHANDRIOL	TRENBOLONE
METHANDROSTENOLONE	
METHENOLONE	

ag5530

SYMPTOMS OF OVERDOSE WITH DRUGS

5530 - **SYMPTOMS OF OVERDOSE WITH DRUGS**

The descriptions listed below may be useful in detecting drug use through observation of student behavior and physical/mental condition.

INHALANTS

Effects

Immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates, and impair judgement. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain hemorrhage.

Deeply inhaling the vapors, or using large amounts over a short period of time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

Type	Street Names	Appearances	How Used
Nitrous Oxide	Laughing gas	Propellant for whipped cream	Vapors inhaled
	Whippets	in aerosol spray can	
		Small 8 gram metal cylinder	
		sold with a balloon or pipe	
		(buzz bomb)	

Amyl Nitrite	Poppers	Clear yellowish liquid in	Vapors inhaled
		ampules	
Butyl Nitrite	Rush	Packaged in small bottles	Vapors inhaled
	Bolt		
	Locker room		
	Bullet		
	Climax		
Chlorohydro-	Aerosol sprays	Aerosol paint cans	Vapors inhaled
carbons		Containers of cleaning fluid	
Hydrocarbons	Solvents	Cans of aerosol propellants	Vapors inhaled
		gasoline, glue, paint thinner	

CANNABIS

Effects

All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial decrease in the heart rate, bloodshot eyes, dry mouth and throat, and increased appetite.

Use of cannabis may impair or reduce short term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination such as driving a car. Research also shows that students do not retain knowledge when they are "high". Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco.

Long-term users of cannabis may develop psychological dependency and require more of the drug to get the same effect. The drug can become the center of their lives.

Type	Street Name	Appearance	How Used
Marijuana	Pot	Dried parsley mixed with	Eaten
	Grass	stems that may include seeds	Smoked
	Weed		
	Reefer		
	Dope		
	Mary Jane		
	Sinsemilla		
	Acapulco Gold		
	Thai Sticks		
Tetrahydro-	THC	Soft gelatin capsules	Taken orally
cannabinol			Smoked

Hashish	Hash	Brown or black cakes or	Eaten
		balls	Smoked
Hashish Oil	Hash Oil	Concentrated syrupy liquid	Smoked-mixed
		varying in color from clear	with tobacco
		to black	

STIMULANT: COCAINE

Effects

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with unsterile equipment can cause AIDS, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly.

Crack or freebase rock is extremely addictive, and its effects are felt within ten (10) seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizure.

The use of cocaine can cause death by disrupting the brain's control of the heart and respiration.

Type	Street Name	Appearance	How Used
Cocaine	Coke	White crystalline powder,	Inhaled through

	Snow	often diluted with other	nasal passages
	Flake	ingredients	Injected
	White		Smoked
	Blow		
	Nose Candy		
	Big C		
	Snowbirds		
	Lady		
Crack or	Crack	Light brown or beige pellets	Smoked
Cocaine	Freebase rocks	- or crystalline rocks that	
	Rock	resemble coagulated soap;	
		often packaged in small vials	

OTHER STIMULANTS

Effects

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.

In addition to the physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine

psychosis that includes hallucinations, delusions, and paranoia. These symptoms usually disappear when drug use ceases.

Type	Street Names	Appearance	How Used
Amphetamines	Speed	Capsules	Taken orally
	Uppers	Pills	Injected
	Ups	Tablets	Inhaled through
	Black Beauties		nasal passages
	Pep Pills		
	Copilots		
	Bumblebees		
	Hearts		
	Benzedrine		
	Dexedrine		
	Footballs		
	Biphetamine		
Methamphet-	Crank	White powder	Taken orally
amines	Crystal Meth	Pills	Injected
	Crystal	A rock which resembles a	Inhaled through
	Methedrine	block of paraffin	nasal passages

	Speed		
Additional	Ritalin	Pills	Taken orally
Stimulants	Cylert	Capsules	Injected
	Preludin	Tablets	
	Didres		
	Pre-State		
	Voranil		
	Tenuate		
	Tepanil		
	Pondimin		
	Sandres		
	Plegine		
	Ionamin		

DEPRESSANTS

Effects

The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.

The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop

taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death.

Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

Type	Street Name	Appearance	How Used
Barbiturates	Downers	Red, yellow, blue, or red	Taken orally
	Barbs	and blue	
	Blue Devils		
	Red Devils		
	Yellow Jackets		
	Yellows		
	Nembutal		
	Seconal		
	Amytal		
	Tuinals		
Methaqualone	Quaaludes	Tablets	Taken orally
	Ludes		
	Sopors		

Tranquilizers	Valium	Tablets	Taken orally
	Lubrium	Capsules	
	Equanil		
	Miltown		
	Serax		
	Tranzene		

HALLUCINOGENS

Effects

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent.

Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last six (6) months to a year following prolonged daily use. Mood disorders - depression anxiety, and violent behavior - also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart and lung failure, or ruptured blood vessels in the brain.

Lysergic acid (LSD), mescaline, and psilocybin cause delusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

Type	Street Name	Appearance	How Used	
Phencyclidine	PCP	Liquid	Taken orally	
	Angel Dust	Capsules	Injected	
	Loveboat	White crystalline powder	Smoked - can be	
	Lovely	Pills	sprayed on	
	Hog		cigarettes	
	Killer Weed		parsley, and	
			marijuana	
Lysergic Acid	LSD	Brightly colored tablets	Taken orally	
Diethylamide	Acid	Impregnated blotter paper	Licked off paper	
		Thin squares of gelatine	Gelatine and	
	Dragon	Green or Red	liquid can be	
	White Lightning	Clear liquid	put in the eyes	
Mescaline and	Mesc	Hard brown discs	Discs; chewed,	
Peyote	Buttons	Tablets	swallowed, or	
	Cactus	Capsules	smoked	
			Tablets and	
			capsules taken	

	orally

NARCOTICS

Effects

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possibly death.

Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

Type	Street Name	Appearance	How Used
Heroin	Smack	Powder, white to dark	Injected
	Horse	brown, tar-like substance	Inhaled through
	Brown Sugar		nasal passages
	Jounk		
	Mud		
	Big H		
	Black Tar		
Methadone	Dolophine	Solution	Taken orally

	Methadone		Injected
	Amidone		
Codeine	Empirine, compound	Dark liquid varying in	Taken orally
	with Codeine	thickness	Injected
	Tylenol with	Capsules	
	Codeine		
	Cough medicines		
	with codeine		
	Codeine		
Morphine	Pectoral Syrup	White crystals	Injected
		Hypodermic tablets	Taken orally
		Injectable solutions	Smoked
Meperidine	Pethidine	White powder	Taken orally
	Demerol Solution	Tablets	Injected
	Mepergan		
Opium	Paregoric	Dark brown chunks	Smoked
	Dover's Powder	Powder	Eaten

	Parepectolia		
Other Narcotics	Percocet	Tablets	Taken orally
	Percodan	Capsules	Injected
	Tussionex	Liquid	
	Fentanyl		
	Darvon		
	Talwin		
	Lomotil		

DESIGNER DRUGS

Effects

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate.

The narcotics analogs can cause symptoms such as those seen in Parkinson's disease - uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations, and impaired perception.

Type	Street Names	Appearance	How Used
Analogs of	Synthetic Heroin	White powder resembling	Inhaled through

Fentanyl	China White	heroin	nasal passages
(narcotic)			Injected
Analogs of	Synthetic Heroin	White powder	Inhaled through
Meperidine	MPTP (New Heroin)		nasal passages
(narcotic)	MPPP		
	PEAP		
Analogs of	MDMA (Ecstacy,	White powder	Taken orally
Amphetamines	XTC, Adam,	Tablets	Injected
and Metham-	Essence)	Capsules	Inhaled through
phetamines	MDM		nasal passages
(hallucinogens)	STP		
	PMA		
	2.5-DMA		
	TMA		
	DOM		
	DOB		
Analogs of	PCP	White powder	
Phencyclidine	PCE		Injected

(PCP)	TCP		Smoked
(hallucinogens)			

© Neola 2006

ag5540A

RELATIONSHIP WITH GOVERNMENTAL AGENCIES

5540A - **RELATIONSHIP WITH GOVERNMENTAL AGENCIES**

On occasion, principals will need police assistance but should avoid unnecessary and inappropriate police involvement. Principals are expected to be proactive in calling the police when necessary, and not to leave the decision to the discretion of other staff members, except by delegation in their temporary absence. The situations listed below are examples of situations in which it is appropriate to call the police, and their support should be expected. The Superintendent must be advised of any such situation as soon as feasible.

A. refusal of a person to leave school property after being requested to do so by the appropriate school authority

B. willful destruction of school property — particularly if the District is likely to seek restitution

C. theft - particularly if items are of value and insurance claims will be filed

D. obvious crime

E. arson

F. assaults or serious fighting - if not controlled or if serious injury results

G. forgery - if assistance is needed in determining whether it is forgery

H. possession of a dangerous weapon

I. possession of alcohol or drugs

J. sale or distribution of controlled substances

K. blackmail, threatening, or extortion of students or staff members

L. bona fide threat against a person's life or threats of terrorist acts, bomb scares, etc.

M. illegal or inappropriate operation of a motor vehicle

N. child abuse or molestation

O. mass walkout from or sit-in on school property - if not controlled or if property damage or personal injury result

P. setting off firecrackers, pulling fire alarms, and similar mischief (discretionary, but advised if reoccurring or the situation is getting out of hand)

Q. a student leaving school property without permission, a missing person situation, or a self-inflicted injury by a student

Interrogations of students must be conducted in compliance with Board Policy 5540.

ag5600A

STUDENT DISCIPLINE

5600A - **STUDENT DISCIPLINE**

Conduct in School and at School-Sponsored Activities

Guidelines for District and Building Administrators

The administration shall take a collaborative approach in the establishment and maintenance of appropriate discipline in the school and in the enforcement of the Code of Conduct/Student Discipline Code in accordance with the following guidelines.

Each principal shall review the Code of Conduct/Student Discipline Code and make any needed changes or additions; and devise and implement a plan whereby students receive a copy of the Student Handbook and confirm that they understand what it says and means.

Each principal should also:

A. give priority to counseling with any teacher on a disciplinary situation when requested;

B. in collaboration with teachers, plan and conduct necessary in-service activities on classroom management, discipline procedures, follow-up, and any other strategies which will help the staff use effective discipline;

C. provide for supervision for all school-sponsored activities;

D. refer any parent concerns about student conduct and discipline to the appropriate teacher as the first step in resolving the situation;

E. post a copy of the Code of Conduct/Student Discipline Code which includes information on prohibition from extra-curricular activities and suspension from bus/vehicle riding privileges in a central location in the building.

Guidelines for Teachers

Teacher effectiveness and purposeful, well-planned activities are prerequisites to good discipline. Most students will exhibit "good" behavior when they perceive the teacher is competent, consistent, fair, and supportive of school policies.

The following guidelines should contribute to effective discipline:

A. Establish fair, workable, consistent, and educationally-productive procedures by which the classroom and other areas of learning will operate, based on an analysis of the program, the maturity level of the students, and their needs, abilities, and interests.

B. Plan and conduct learning activities that contribute to accomplishing specified objectives and goals, stimulate and encourage application of thought, and require the active participation of the students. Long and frequent activities of data-gathering through lectures, readings, film, etc. without planned opportunities for students to process and apply the information can lead to boredom and indifference - a seedbed for discipline problems.

C. Help set the tone for good discipline by modeling the behaviors expected of students.

D. Inform students of the high expectations regarding discipline and persist in their fulfillment.

E. Initiate parental contact where appropriate and necessary.

F. Support District and building administrators in disciplinary matters.

Conduct on the Bus or Other District Vehicles

Guidelines for all riders

The Principal/bus driver shall take a collaborative approach in the establishment and maintenance of appropriate discipline on the bus or other district vehicles and in the enforcement of the Bus Rules as well as the Code of Conduct/Student Discipline Code in accordance with the following guidelines.

A. a plan whereby the Bus Rules as well as the Student Code of Conduct/Student Discipline Code will be reviewed with all drivers, the expectations established by the rules, conduct code, and discipline code will be clarified as needed, and a common approach for supervising and disciplining students will be agreed upon.

B. All drivers implement a plan whereby students receive a copy of the Bus Rules and confirm that they understand what it says and means;

C. The plan should describe the manner in which parents will be made aware of:

1. the applicability of the Code of Conduct/Student Discipline Code;

2. the disciplinary procedures for misconduct and the possible consequences for such misconduct;

3. the process for communicating their concerns regarding transportation to the school.

Guidelines for Drivers

Most students will exhibit "good" behavior when they perceive the driver is competent, consistent, fair, and supportive of school policies.

The following guidelines should contribute to effective discipline:

A. Help set the tone for good discipline by modeling the behaviors expected of students.

B. Inform students of the high expectations regarding discipline and persist in their fulfillment.

C. Initiate parental contact where appropriate and necessary.

D. Support transportation supervisor and principals in disciplinary matters.

Conduct as a Participant in a Co-Curricular/Extra-Curricular Activity

Guidelines for Advisors/Coaches

The advisor/coach shall be responsible for establishing and maintaining appropriate discipline for the participants in the activity and for enforcing the Code of Conduct/School Discipline Code and Bus Rules, when appropriate in accordance with the following guidelines.

Each coach/advisor shall:

A. establish and publish rules for his/her activity;

B. inform the student participants of the rules established for the activity and the consequences should they not follow them;

C. schedule a meeting with parents of participants to review the rules established for and inform them of the consequences if the participants do not follow them;

D. initiate parental contact where appropriate and necessary;

E. support District and building administrators, the Athletic Director, and/or the Transportation Supervisor in disciplinary matters affecting participants in his/her activity.

© Neola 2010

ag5605A

DISCIPLINING A 504 STUDENT

5605A - **DISCIPLINING A 504 STUDENT**

In addition to following the requirements and procedures set forth for all students in Policy 5610, if a student not otherwise identified under the IDEIA but determined to be disabled under Section 504 violates the Code of Conduct and is subject to suspension of more than ten (10) non-consecutive days that is a pattern of removal, as described below, or expulsion, a meeting of the student's 504 Team will be convened to determine whether there is a causal relationship between the behavior and the disability (i.e., the Team will conduct a manifestation determination review of the student's conduct). A causal relationship exists when the conduct in question is caused by or has a direct substantial relationship to the child's disability.

When a student with a Section 504 plan is suspended for more than ten (10) non-consecutive days, the District will determine whether the series of removals is a pattern of removal and, therefore, a significant change of placement requiring a manifestation determination review. In determining whether a series of suspensions each less than ten (10) days has resulted in the aggregate in a pattern of removal (and, therefore, a significant change of placement), the District will consider whether the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in removals, the length of each removal, the proximity in time of the removals to one another, and the total amount of time the child is excluded from school. The District will make this determination on a case-by-case basis, and will notify the parents of their right to challenge the determination through an impartial due process hearing that conforms with the procedural requirements of 34 C.F.R. 104.36.

Prior to conducting a manifestation determination, the guidance counselor/school psychologists shall verify that a recent evaluation is available for use by the Team to help them determine whether or not a causal relationship exists. If no recent evaluation is available, then one is to be completed prior to the conference.

If the 504 Team determines that there is no causal relationship between the behavior and the disability, the disabled student may be suspended or expelled using the procedure described in AG 5610 – Suspension/Expulsion of Nondisabled Students. The 504 Team will also determine whether any additional evaluation of the child or modification of the 504 plan is necessary.

If the 504 Team determines a causal relationship exists between the behavior and the disability, then the student may not be suspended for more than ten (10) days in a school year or expelled. If the behavior is determined to be a manifestation of the student’s disability, the 504 Team will determine whether the student’s educational placement is appropriate and what, if any, modifications to that placement are necessary to provide the student with a free appropriate public education in accordance with 34 C.F.R. 104.33.

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

© Neola 2012

ag5605

DISCIPLINING STUDENTS WITH DISABILITIES

5605 - **DISCIPLINING STUDENTS WITH DISABILITIES**

When a student currently receiving services under the IDEIA commits a violation of the student code of conduct warranting serious disciplinary action, the first step requires an analysis of the length of the exclusion. In those instances where a suspension is for ten (10) consecutive days or less, removal is authorized for any violation of school rules to the same extent that removal would be applied to students without disabilities. Such short-term suspensions from a program are not considered a change in educational placement (unless the short-term suspensions are a pattern of removal as discussed below) and the procedural safeguards associated with the change of placement are not required.

In the instance where the removal is for more than ten (10) consecutive days for a violation of school rules, or where a series of suspensions that are each ten (10) or fewer days in duration but exceed ten (10) days in the aggregate in a school year and the District determines they create a pattern of removal that constitutes a change in the student's educational placement, two (2) basic options are available to the District depending on the nature and severity of the student's conduct. The first option is exclusion of the student by expulsion or additional suspension from school, contingent upon a manifestation determination discussed below. The second option is a unilateral removal of the student by the District to an Interim Alternative Education Setting (IAES), regardless of the results of the manifestation determination, for one (1) of three (3) infractions:

A. carrying or possessing a weapon to or at school, on school premises, or to or at a school function;

B. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises, or at a school function;

C. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

Each option is dealt with below.

"In-school" suspensions are not considered to count toward the ten (10) days of suspension/removal as long as the student is afforded the opportunity in the in-school setting to continue to appropriately participate in general curriculum, continue to receive the services specified in the student's IEP and continue to participate with non-disabled children to the extent that they would have in their current placement. Otherwise, any use of in-school suspension that does not meet this standard would be counted toward the ten (10) days suspension limit and analysis.

Whether an IDEIA student's removal from transportation services "counts" as a day of suspension depends upon whether the student receives such services as a part of his/her IEP. If those services are included in the IEP, then each day a student is removed from the bus would count as a day of suspension under the above.

In those instances where a removal is for less than ten (10) days, but the principal contemplates that further disciplinary action will probably be necessary during the school year, it is advisable to consider convening the I.E.P. Team to determine whether the student's behavior is impeding his/her ability to learn, to review the appropriateness of conducting a Functional Behavior Assessment (FBA), and/or to consider whether or not to develop a Behavioral Intervention Plan (BIP).

Expulsion or Change in Placement by Cumulative Suspensions

If the principal decides to recommend that the student be expelled from school, or where the District determines that a series of short-term suspensions (each ten (10) or fewer days in duration) in the aggregate exceed ten (10) days and create a pattern of removal that constitutes a change in the student's placement, the parents are to be notified on the date the principal makes the request for the expulsion or additional suspension/removal beyond ten (10) days, accompanied by prior written notice of the proposed change inplacement and notice of parent rights delineating all of the rights and procedural safeguards to which the parents and students have access in connection with an expulsion or suspension/removal to the same extent as any other student facing expulsion. In determining whether a series of suspensions each ten (10) or fewer days has resulted in a pattern of removal and is, therefore, a change in placement, the District will consider whether the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in removals, the length of each removal, the proximity in time of the removals to one another, and the total amount of time the child is excluded from school. The determination will be made on a case-by-case basis and the District will notify the parents of the outcome of the determination and their right to challenge the determination through an impartial due process hearing.

Within ten (10) school days following the decision to expel, or in those instances where the cumulative suspensions/removals of an IDEIA student have exceeded ten (10) days and affected a change in the student's placement, the I.E.P. relevant members of the I.E.P. Team are to convene to conduct a Manifestation Determination Review (MDR). Both the IDEIA and its implementing regulations contain guidance as to the steps that are to be followed in reaching a determination of causal relationship.

Prior to making its manifestation determination, the M.D.R. Team must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine whether:

A. the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

B. the conduct in question was the direct result of the District's failure to implement the child's IEP.

Behavior Determined NOT to be a Manifestation of the Disability

If the M.D.R. Team determines that the behavior is not a manifestation of the student's disability, the school may continue with its expulsion or suspension procedures to the same extent as it would with any other student. The M.D.R. Team is to arrange for a copy of the student's special education records and disciplinary records to be forwarded to the expulsion examiner for his/her consideration. The I.E.P. Team shall meet to determine the student's educational setting and services during the disciplinary change in placement.

If the parents appeal the causal relationship determination through the filing of a due process complaint, the student shall remain in the disciplinary setting pending the complaint, which shall be expedited, unless the school and the parents can agree to a different placement pending the outcome of the hearing.

If the student is expelled, the District has a continuing responsibility for providing educational services to the student. The I.E.P. Team shall consider the nature and extent of educational services to be provided in order to make available a free appropriate public education (FAPE) to the student so as to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Behavior Determined to be a Manifestation of the Disability

If a causal relationship between the student's disability and the misbehavior is determined as set forth above, the expulsion or removal beyond ten (10) days **cannot** go forward. The I.E.P. Team should immediately proceed to attempt to remedy any deficiencies in the IEP, the placement of the student, or the implementation of the IEP. This should include the development of strategies, including positive behavioral interventions, supports and other strategies to address the behavior so that the child will receive services appropriate to his/her needs.

In addition, the I.E.P. Team must:

A. conduct a functional behavioral assessment (FBA) unless the District has already done so prior to the behavior that resulted in the exclusion/change of placement, and implement a behavioral intervention plan (BIP); or

B. if a BIP has already been developed, review the BIP and modify it as necessary, to address the behavior under review.

Functional Behavioral Assessment (FBA)

The general purpose of an FBA is to provide the I.E.P. Team with additional information, analysis and strategies for dealing with undesirable conduct on the part of a student with a disability, particular where such behavior impedes or interferes with the child's education. An FBA should include:

A. the specific behavior(s) of concern, including the intensity, frequency, and duration;

B. the setting where the behavior usually occurs, e.g., cafeteria, transition periods, bus, regular classroom, etc.;

C. the circumstances antecedent to behavior;

D. the consequences of the behavior;

E. conditions that may impact the behavior, e.g., medications, diet, schedule, etc.;

F. the apparent purpose of the behavior;

G. modification/interventions attempted to change the behavior;

H. behaviors that would serve as functional alternatives to the target behavior.

Behavioral Intervention Plan (BIP)

A BIP should clearly describe the target behavior(s) and the appropriate behavior that is sought, the reinforcements that will be used to modify the target behavior, and the progressively intrusive consequences that will be invoked if the target behavior does not change. The plan should address methods such as time-out, safe-haven, drawing a student back into a special education room from a regular classroom when conditions warrant, etc., all of which focus on remediating or improving a student's behavior rather than merely disciplining behavior. The plan should also describe who will be involved in the intervention (classroom teacher, aide, specialist), their respective roles and responsibilities, and how data will be collected to assess the effectiveness of the intervention.

If deemed appropriate, the FBA and/or BIP should be completed as soon as possible.

Interim Alternative Educational Setting for Weapons, Illegal Drugs, and/or the Infliction of Serious Bodily Injury

A student may be placed in an Interim Alternative Educational Setting (IAES) if such alternative has already been made a part of the student's IEP/BIP as well as under one of the following conditions (regardless of whether the student's conduct was a manifestation of the student's disability):

A. The student carried a weapon to, or possessed a weapon at school,on school premises, or to or at a school function (see below).

B. The student knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at a school function.

C. The student inflicted serious bodily injury upon another person while at school, on school premises, or at a school function (see below).

The Principal may unilaterally place a student in a forty-five (45) school day Interim Alternative Educational Setting (IAES) if the student is found to have violated the Code of Conduct by carrying or possessing a weapon to or at school, on school premises, or to or at a school function; by knowingly possessing or, using illegal drugs, selling, or soliciting the sale of a controlled substance while at school, on school premises or at a school function; or by inflicting serious bodily injury on another while on school premises or at a school function. The definition of weapon is as follows:

A weapon, device, instrument, material, or substance animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than two and one-half (2 1/2) inches long.

The definition of serious bodily injury is as follows:

Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

The District shall provide the parent with prior written notice of the IAESand provide the parent with a copy of the procedural safeguards to which they are entitled.

The student's I.E.P. Team is to convene as soon as possible to determine where and how educational services will be delivered to the student during his/her placement in the IAES.

Should the student's parents dispute the order for a forty-five (45) school day interim alternative educational setting or the placement determined by the I.E.P. Team, they have a right to request an expedited special education due-

process hearing.

A student is to remain in the IAES until a hearing and appeal decision is rendered or the forty-five (45) school days expire, whichever happens first.

Retention and Transmission of Disciplinary Information

The District will include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children. Additionally, when a child with a disability transfers from one school to another (including a county board of DD or other educational agency), the transmission of any of the child's records must include both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

The statement of disciplinary action must:

A. specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:

1. carried a weapon to or possessed a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;

2. knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or

3. inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District;

B. include any information that is relevant to the safety of the child and other individuals involved with the child.

The statement may also include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

SUSPENSION* OR EXPULSION	

Single suspension (removal for ten (10) days or less) with no further discipline contemplated (strong encouragement to review and address behavior and IEP, if necessary). Does the student's behavior impede his/her ability to learn? Is a functional behavior assessment and behavior intervention plan appropriate?	Further discipline contemplated beyond ten (10) days (e.g. expulsion); or there is a series of suspensions that cumulate to more than ten (10) days that are a pattern of removal that would constitute a change in placement.
	Within ten (10) days of decision to change placement (e.g. expel or suspend as part of a series of removals that constitute a pattern of removal), conduct a manifestation determination review.
	(The manifestation determination review may be conducted before the expulsion hearing).

*	Suspensions of ten (10) school days or less accumulating to no more than ten (10) days per school year may be unilaterally levied by the school without parent consent.

MANIFESTATION DETERMINATION REVIEW*
Student violates code of conduct.
School decides to request expulsion or suspend student as part of a series of suspensions that are a pattern of removal, thereby causing a change of placement.
Provide parent with prior written notice of the proposed disciplinary change in placement and notice of procedural safeguards.

Within ten (10) school days.		
Manifestation Determination Review held where relevant members of the I.E.P. Team consider:		
	A.	all relevant information in the student's file, including the child's IEP
	B.	any teacher observations
	C.	any relevant information provided by the parents
And then determine whether		
	A.	the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
	B.	the conduct in question was the direct result of the District's failure to implement the child's IEP.
	*	This determination may be made at the same conference where the behavioral assessment and plan are discussed.

Conduct was a manifestation of the student's disability if M.D.R. Team answers "yes" to #1 or #2.	Conduct was not a manifestation of the student's disability if the M.D.R. Team answers "no" to both #1 and #2.
I.E.P. Team must:	

A. Conduct a functional behavioral Assessment (FBA), unless the District has already done so prior to the behavior that resulted in the exclusion/change of placement, and implement a behavior intervention plan (BIP); or	Follow school's expulsion procedures (see AG 5610). Send special education records and disciplinary records to expulsion examiner. If student is expelled, deliver to parent prior written notice of the disciplinary change in placement and notice of procedural safeguards. District must make available a free appropriate public education (FAPE) to the student so as to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
B. If a BIP has already been developed, review the BIP and modify it as necessary, to address the behavior under review.	
I.E.P. Team determines if change in IEP, services and/or placement is warranted. Student returns to his/her prior placement on day eleven (11) unless parent agrees otherwise or Superintendent order a forty-five (45) school day interim alternative educational setting ("IAES").	I.E.P. Team meets to determine how and where educational services will be delivered starting on day eleven (11) of the expulsion.
If the Superintendent orders a forty-five (45) day IAES, deliver to parent prior written notice of the disciplinary change in placement and notice of procedural safeguards.	Parent may file a request for an expedited due process hearing. Student remains in the disciplinary placement pending the due process hearing and decision.
I.E.P. Team meets to determine how and where educational services will be delivered during the forty-five (45) days IAES.	Hearing officer reviews the outcome of the manifestation determination review and/or disciplinary placement.
Parent may file a request for an expedited due process hearing. Student remains in the IAES pending the due process hearing and decision.	

Hearing officer reviews the use of the IAES and/or the disciplinary placement.	

© Neola 2012

STUDENTS SUBJECT TO EXPULSION BUT NOT IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION

5610A - **STUDENTS SUBJECT TO EXPULSION BUT NOT IDENTIFIED AS ELIGIBLE FOR SPECIAL EDUCATION**

School requests expulsion

Student claims disability (not previously identified)
and that school had knowledge

School deemed to have knowledge if:

A. parent has expressed concern in writing (unless the parent is illiterate in English or has disability that prevents a written statement) to school personnel that student is in need of special education and related services; or

B. behavior/performance of student demonstrates need for services; or

C. parent/student has requested an evaluation; or

D. student's teacher or other school personnel has expressed concern to director of special education or other personnel regarding student's behavior/performance.

School must evaluate and hold I.E.P. Team prior
to proceeding with expulsion

IF request for evaluation is made during expulsion period

Expedited evaluation is performed while
student stays in educational placement determined

by school authorities

ag5610

SUSPENSION AND EXPULSION

5610 - **SUSPENSION AND EXPULSION**

The following administrative guidelines should be followed to provide due process for each student charged with an offense leading to suspension or expulsion.

A. **Suspension**

The principal and/or assistant principal may impose a suspension from school not to exceed ten (10) days duration.

The principal, assistant principal, Athletic Director (if an administrator) and/or coach or activity supervisor may also prohibit a student from participating in any or all co-curricular and extra-curricular activities in accordance with the Code of Conduct/Student Discipline Code.

1. **Preliminary Hearing**

No student is to be suspended without an informal, preliminary hearing, unless a clear and present danger exists, or it is otherwise impossible or unreasonably difficult to hold such hearing (e.g., the student intentionally makes himself/herself unavailable). In such instances, the necessary written notice and hearing shall follow as soon as practicable (see Form 5610 F1).

The principal shall provide the student with a written notice of the charge(s) against him/her and shall provide a hearing for the student before a suspension is ordered so that the student has a full opportunity to state why s/he should not be suspended. The student's parents may be informed of the charges and the preliminary hearing if the principal so chooses. The hearing shall be held on the day of the alleged infraction or as soon thereafter as possible if an emergency prohibits an immediate hearing (see Form 5610 F2, Form 5610 F3, Form 5610 F4, Form 5610 F5).

2. **Suspension Appeal Notice**

Within one (1) school day after the suspension, the principal shall notify, in writing, both the parents and the Treasurer. Such notification is to include the reason for the suspension, and the right of the student or the student's parent or guardian to appeal the suspension to the Board or its designee, to be represented in all appeal proceedings, to be granted a hearing before the Board or its designee in order to be heard against the suspension, and to request that the hearing be held in executive session. 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 of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice to suspend. In addition, the document must include notice that the Superintendent may seek the student's permanent exclusion if the suspension was based on a violation listed in (R.C. 3313.662(A) that was committed when the student was sixteen (16) years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation (see Form 5610 F3).

3. **Appeal**

Suspensions may be appealed to the Board or its designee within fourteen (14) calendar days of the date of the written suspension notice. The written appeal must be filed with the Treasurer of the Board or the Superintendent and contain the reason(s) that the suspension is being appealed.

a. The student may be reinstated during the appeal process unless it is determined that the student's attendance would jeopardize the safety of others.

b. Upon review, the Board or its designee may affirm the suspension, reverse the suspension in its entirety, or otherwise reverse, vacate, or modify the suspension.

c. The Board or its designee shall reach the decision and inform the parent within two (2) school days of the hearing.

d. A verbatim record of the appeal hearing shall be made in the event of an appeal to the Court of Common Pleas.

4. **Responsibility for School Work**

a. For an in-school restriction, credit will be given for all classroom assignments that can be completed during the in-school restriction or as homework.

b. Credit **will not** be given for work missed due to out-of-school suspension

c. Failures may be given for any classroom work that cannot be attended such as laboratories or skill sessions.

5. **Mandatory Reporting to the Bureau of Motor Vehicles and Juvenile Judge**

The Superintendent shall notify the County Registrar of Motor Vehicles and Juvenile Judge, within two (2) weeks, when a student has been suspended, expelled, removed, or permanently excluded from school for misconduct involving a firearm, knife, or other weapon as defined in Board policy.

6. **Discretionary Reporting to the Bureau of Motor Vehicles and Juvenile Judge**

The principal may notify the Bureau of Motor Vehicles that a student has been suspended or expelled for use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse. Such notification shall be made in the manner determined by the Bureau. If a report is made to the Bureau of Motor Vehicles, a report should also be made to the Juvenile Judge.

7. **Abeyance**

The principal may hold all, or any part of, a suspension in abeyance, that is, set it aside and not implement it, if such action is part of a behavior contract to which the student and his/her parents, if appropriate, agree. This contract shall establish specific conditions that must be met by the student

and his/her parents, if appropriate, for the suspension to be set aside for a designated period of time. At the end of that period of time the portion of the suspension that was held in abeyance will be forgiven, provided all conditions of the behavior contract were met satisfactorily.

B. **Expulsion**

Expulsion is the removal 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 the semester or term in which the incident that gave rise to the expulsion takes place. Specific offenses involving firearms and knives shall result in the student's expulsion for one (1) year. The term of that expulsion may be reduced to less than one (1) year by the Superintendent for the reasons listed in Policy 5610 so long as the modification is made in writing. Specific offenses involving violent conduct may result in the student's expulsion for a period of up to one (1) year at the discretion of the Superintendent. Bomb threats may result in the student's expulsion for a period of up to one (1) year at the discretion of the Superintendent.

If at the time of the expulsion, there are fewer school days than the number of days of expulsion, the Superintendent has the option to apply the remaining period of expulsion to the following school year; or impose a community service requirement beyond the end of the school year in lieu of applying the suspension or expulsion into the next school year;

1. **Documentation**

If, in the principal's opinion, the alleged infraction may warrant expulsion, s/he shall, as soon as practicable after the infraction, refer the case to the Superintendent/designee and submit the following documentation:

a. the rule(s) alleged to have been violated

b. the charges against the student

c. approximate date of the violation

d. recommendation(s) for expulsion

e. copy of the removal

f. chronology of disciplinary/corrective actions and witness statements, and

g. written notice to parents within one (1) day after removal

Upon request, the principal shall also submit:

a. transcript of grades

b. attendance records

c. statements from professional staff regarding student's efforts, attitudes, or particular problems

d. statement from counselor regarding help to student, attempts at remediation or correction, etc.

The Superintendent/designee shall review the documents for accuracy and completeness and schedule a hearing not earlier than three (3) nor later than five (5) days after proper written notice has been provided to the parents by means of certified mail.

2. **Hearing Notice** (see Form 5610 F6)

The notice shall contain:

a. the reason(s) for the intended expulsion (e.g., the rule(s) alleged to have been violated), the charges against the student, and the approximate date of the violation;

b. notification of the opportunity of the student and the student's parent or guardian or representative to appear before the Superintendent or his/her designee to challenge the reason(s) for the intended expulsion or otherwise to explain the student's actions;

c. the time and place for the hearing;

d. to review written statements about the alleged misconduct;

e. to review the student's records;

f. to request a delay in the hearing

If the proposed expulsion is based on a violation listed in R.C. 3313.662(A) and the student is sixteen (16) years of age or older, the notice shall also include a statement that the Superintendent may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation.

3. **Hearing**

The hearing shall be held before the Superintendent or the person s/he authorizes. The student and his/her parents or representative shall be given the charges and the opportunity to defend against such charges.

4. **Waiver**

It is the student's/parent's prerogative to waive his/her right to a hearing with the Superintendent or his/her designee. This waiver is to be in writing and signed by both student and parents. The signatures should be witnessed. Additionally, the student/parent can constructively waive the hearing by simply not availing himself/herself of the opportunity for it, but such waiver cannot be construed before the passage of a considerable period of time, since it operates to close off the student's rights.

5. **Notice of Expulsion** (see Form 5610 F7)

Within one (1) school day after the student's expulsion, the Superintendent shall notify, in writing, the

student's parents and the Treasurer of the reasons for the expulsion, the right of the student or the student's parent or guardian to appeal the expulsion to the Board or its designee, the right to be represented in all appeal proceedings, to be granted a hearing before the Board or its designee in order to be heard against the expulsion, and the right to request the appeal hearing be held in executive session. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the expulsion to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice of expulsion. The document must also include notice that the expulsion may be subject to extension pursuant to R.C. 3313.66(F) if the student is sixteen (16) years of age or older, and that the Superintendent may seek the student's permanent exclusion if the expulsion was based on a violation listed in R.C. 3313.662(A) that was committed when the student was sixteen (16) years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation. Finally, if the expulsion is for more than twenty (20) school days or for any period of time if the expulsion will extend into the following semester or school year, the notice must provide the student and the student's parent or guardian with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behavior that contributed to the incident that gave rise to the student's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

Such proceedings shall be conducted in accordance with R.C. 3313.66, 3313.661, and R.C. 3313.662. (see AG 5610.01)

6. **Appeal**

Expulsions may be appealed to the Board or its designee within fourteen (14) days after the date of the written expulsion notice. The written appeal must be filed with the Treasurer of the Board or the Superintendent and contain the reason(s) that the expulsion is being appealed.

a. Upon review, the Board or its designee may affirm the expulsion, reverse the expulsion in its entirety, or otherwise reverse, vacate, or modify the expulsion.

b. The Board or its designee shall reach the decision and inform the parent in writing within two (2) school days of the hearing.

c. A verbatim record of the appeal hearing shall be made in the event of an appeal to the Court of Common Pleas.

7. **Student's Records**

A record of a student's suspension or expulsion may be made a part of his/her permanent record at the discretion of the principal until s/he leaves the school and may be released in accordance with AG 8330 - Student Records. Days of absence shall be noted in the student's permanent attendance record as an unexcused absence because of suspension or expulsion and/or as an authorized absence because of suspension or expulsion.

In accordance with Ohio Administrative Code Section 3301-18-01(J), students who are expelled and not receiving instructional services shall be withdrawn from the District during the term of the expulsion.

8. **Mandatory Reporting to the Bureau of Motor Vehicles and Juvenile Judge**

The Superintendent shall notify the County Registrar of Motor Vehicles and Juvenile Judge, within two (2)

weeks, when a student has been suspended, expelled, removed, or permanently excluded from school for misconduct involving a firearm, knife, or other weapon as defined in Board policy.

9. **Discretionary Reporting to the Bureau of Motor Vehicles and Juvenile Judge**

   The principal may notify the Bureau of Motor Vehicles that a student has been suspended or expelled for use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse. Such notification shall be made in the manner determined by the Bureau. If a report is made to the Bureau of Motor Vehicles, a report should also be made to the Juvenile Judge.

10. **Expulsion Proceedings Against Students Who Withdraw**

    If a student commits an act that warrants expulsion under Board policy, the Superintendent shall schedule a hearing, conduct the hearing, and make a decision regarding the student's expulsion even if the student withdraws from school prior to the hearing or before the Superintendent makes his/her decision regarding the expulsion. Furthermore, if the Superintendent determines that the student should be expelled, s/he shall provide notice of that expulsion and make that expulsion part of the student's permanent record as provided in this guideline.

11. **Abeyance**

    The Superintendent may hold all, or any part of, an expulsion in abeyance, that is, set it aside and not implement it, if such action is part of a behavior contract to which the student and his/her parent(s), if appropriate, agree. This contract shall establish specific conditions that must be met by the student and his/her parents, if appropriate, for the expulsion to be set aside for a designated period of time. At the end of that period of time, the portion of the expulsion that was held in abeyance will be forgiven, provided all conditions of the behavior contract were met satisfactorily.

12. **Notification of Colleges/Universities**

    If a student who is currently enrolled in a Postsecondary Enrollment Program is expelled, the Superintendent shall notify the college or university of the expulsion. The notice shall indicate the date the expulsion will expire, and of any extension of such expulsions. The notice shall also indicate whether the District has adopted a policy to deny high school credit for postsecondary courses taken during an expulsion.

C. **Disabled Students**

Where proposed disciplinary removals are or may be in excess of ten (10) days or where such removals will effect a change in placement, students with identified disabilities under IDEA and/or Section 504 will be referred to the Office of Exceptional Children, who will make arrangements for additional procedures in accordance with Board Policy 5605, the **Model Policies and Procedures for the Education of Children with Disabilities**, and/or Section 504.

D. **Alternatives to Suspension or Expulsion**

Based on the evidence presented at the hearing, the following alternatives may be explored:

1. assignment to an Assistance Program

2. enrollment in the Alternative School (see AG 2451)

E. **Referral to Criminal Justice or Juvenile Delinquency System**

The Superintendent/designee shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a)(3)) or a weapon to school to the criminal justice or juvenile delinquency system serving the District.

© Neola 2012

ag5610.01

PERMANENT EXCLUSION

5610.01 - **PERMANENT EXCLUSION**

If the student is sixteen (16) or older and has been convicted or adjudicated delinquent for committing one or more of the following violations of the Code of Conduct while on school grounds, s/he may be permanently excluded from the schools of this District or any other public school in Ohio:

A. possession or involvement with a deadly weapon

B. trafficking in drugs

C. murder, involuntary manslaughter, assault or aggravated assault

D. rape, gross sexual imposition, or felonious sexual penetration on school grounds, at a school event, or if the victim is an employee of the District

E. complicity, regardless of where the complicity occurs, in any of the above crimes

Principal's Responsibility to Report

Regardless of the age of the student, if a principal while on duty either observes or obtains reliable information that the student has committed any of the above offenses on the property of any Ohio school district or at any event sponsored by an Ohio school district, s/he is to notify the Superintendent of the school district in which the action took place within one (1) school day. If the student is an adult, the Principal may report the offense to the law enforcement agency having jurisdiction in the school district in which the offense occurred. If a juvenile, s/he may report the offense either to that law enforcement agency or the one having jurisdiction in the community in which the student resides.

Exclusion Procedure

Upon receipt of information that verifies a student has been found guilty when s/he was sixteen (16) or older of one of the above stated offenses, the Superintendent shall make a determination, based on information from the student's principal whether or not the student's continued attendance or return to school after suspension or expulsion poses a continuing threat to the health and/or safety of other students or staff members. (If the student has been expelled for one of the above offenses and the legal proceedings concerning the case are pending, the

Superintendent may file a motion with the court requesting an order to extend the expulsion for the lesser of an additional eighty (80) days or the number of school days remaining in the school year.)

If such a threat exists, the Superintendent will advise the Board and recommend, in writing, that it pass a resolution within fourteen (14) days of receipt of the recommendation requesting the State Superintendent of Public Instruction to permanently exclude the student from the public schools of Ohio. S/he shall also notify the parents that the recommendation has been sent to the Board. The following information about the student is to be provided to the Board for its consideration prior to acting on the resolution:

A. academic, co/extra-curricular, and disciplinary records

B. response to prior imposition of disciplinary actions contained in the school records

C. social history

D. evidence regarding the seriousness of the offense for which the student was found guilty and which is the basis of this recommendation

E. any mitigating circumstances surrounding the offense that gave rise to the recommendation

F. evidence regarding the probable danger posed to the health and/or safety of fellow students or members of the staff and the probable disruption of the instructional process

G. evidence regarding the availability of alternative sanctions that would enable the student to remain in a public school without endangering the health and/or safety of others or posing a threat to the instructional process

The name of the person who should present the District's case to the State Superintendent should accompany the recommendation.

If the Board adopts the resolution, the Superintendent shall submit the request, together with the documentation of the student's conviction, entire school record, and any other relevant information to the State Superintendent for action. S/He shall also provide both the student and his/her parents with a copy of the Board's resolution.

If the Board does not accept the Superintendent's recommendation and does not adopt the resolution, it shall notify the Superintendent, in writing, who in turn, shall immediately provide written notification to both the student and his/her parents.

The State Superintendent's action and any subsequent actions on the Board's resolution, including procedures for revocation of permanent exclusion, development of a probation admissions plan, and maintenance of records, shall be done in compliance with R.C. 3313.662.

ag5610.02

IN-SCHOOL DISCIPLINE

5610.02 - **IN-SCHOOL DISCIPLINE**

In-school restriction, In-school suspension, and detention are progressive discipline options that the principal may use to improve attendance and/or to modify student behavior and to monitor the student's behavior during the disciplinary process. (see Form 5610.02 F1)

Students who have violated the Code of Conduct/Student Discipline Code may be assigned to in-school restriction, in-school suspension and detention by the principal.

Students who violate the drug abuse section of the Code of Conduct/Student Discipline Code may be assigned to in-school restriction and in-school suspension in total or in part, if they agree to participate in a voluntary alcohol/drug education program approved by the principal.

Detention

A. **Lunch-Time Detention**

The principal (or faculty member) may designate an area in which the student must remain during the lunch period. Failure to report to or remain in the area may lead to in-school restriction, in-school suspension or out-of-school suspension.

B. **After-School Detention**

The principal (or faculty member) may require a student to remain after school providing the parents have been given at least one (1) day's notice and have agreed to be responsible for their child's transportation at the end of the detention period. If the student is a bus rider and the principal can not verify that the parents agree to be responsible for the student's transportation, after-school detention should not be used or should be delayed until verification is received. The student is to be given definite assignments or duties to complete during the detention period. Failure to report for or to complete the detention may result in:

1. an in-school restriction or in-school suspension;

2. assignment to lunch detention;

3. an out-of-school suspension.

C. **Early Arrival Detention**

The principal (or faculty member) may require a student to come to school early providing the parent(s) have been given at least one (1) day's notice and have agreed to be responsible for their child's transportation to school before the detention period. The student is to be given definite assignments or duties to complete during the detention period. Failure to report for or to complete the detention may result in:

1. an in-school restriction or in school suspension;

2. assignment to lunch detention;

3. an out-of-school suspension.

In-School Restriction/In-School Suspension

Assignment to in-school restriction,in-school suspension means that the student is removed from the classroom but not from the educational program. S/He will report to the assigned location where the student will work on classroom tasks assigned by the teacher(s) all of which are related to a course of study in which the student is currently enrolled. When completed, the assignments are to be turned in to the teacher(s) for review and grading. Thus, the student continues his/her academic program albeit in a different setting and receives full credit for the completed work.

Attendance is to be taken from the attendance sheet and recorded by the supervising personnel. Any discrepancy noted should be promptly reported to the administrative personnel.

The rules and procedures regarding participation are to be published in the student handbooks. Rules should include, but not necessarily be limited to the following:

A. Students are to have sufficient learning activities and materials for the period of their restriction.

B. Students are not to communicate with each other unless given special permission to do so.

C. Students are to remain in their designated seats at all times unless permission is granted to do otherwise.

D. Students shall not be allowed to use the telephone or to go to their lockers.

E. Students shall not be allowed to put their heads down or sleep.

F. No electronic devices, radios, cards, magazines, or other recreational articles shall be allowed in the room.

G. No food or beverages shall be consumed, outside designated lunch time.

H. Students are required to have class assignments.

Since there has been no denial of rights to an education, due process can be limited to notification of the student's parents (see Form 5610.02 F1) with no right of appeal.

If the student fails to obey the rules established for in-school restriction/inschool suspension or to fulfill the assignments properly, s/he may be assigned to out-of-school suspension.

Any assignment to in-school or out-of-school suspension or an alternative program requires that due process (notification, hearing, suspension or assignment notice, appeal) be followed.

In-School Suspension

As a means for keeping a student in school rather than suspending him/her the District has established an in-school suspension program. The student is not only removed from the classroom and assigned to a designated work area, s/he is also denied participation in any school activity for the length of the suspension.

The teacher(s) is to assign work related to a course of study for which the student will receive full credit.

The same rules of conduct established for in-school restriction/ In-school suspension shall apply and any violation of these rules will result in the student's removal from school through out-of-school suspension.

© Neola 2003

ag5610.03

EMERGENCY REMOVAL OF STUDENTS

5610.03 - **EMERGENCY REMOVAL OF STUDENTS**

A student may be removed or excluded from a classroom or a school when s/he poses a continuing danger to persons or property or represents an on-going threat of disrupting the educational process taking place in the classroom or the school premises. Such removal may be for a period of less than twenty-four (24) hours without being subject to suspension and expulsion procedures. (see Form 5610 F1)

If a member of the school faculty removes a student, under his/her supervision, from a classroom or activity, s/he must submit to the principal written reasons for the removal as soon as practicable. If the principal should reinstate the student prior to a hearing following the removal, s/he shall provide the faculty member with written reasons for the reinstatement, if the staff member requests the reasons.

As soon as practicable after a removal in excess of twenty-four (24) clock hours but within three (3) school days, a hearing must be held by the principal. The person who caused, ordered, or requested the removal must be present.

Written notice must be provided to the student as soon as practicable prior to the hearing. If the probable outcome of the hearing is suspension, the hearing procedures applicable to a suspension, as delineated in Policy 5610, must be applied. If the probable outcome is expulsion of the student, the hearing procedures applicable to an expulsion, as delineated in Policy 5610, must be followed.

The Superintendent shall notify the County Registrar of Motor Vehicles and Juvenile Judge, within two (2) weeks, when a student has been removed from school for misconduct involving a firearm, knife, or other weapon as defined in Board policy.

ag5630A

ALTERNATIVES TO CORPORAL PUNISHMENT

5630A - **ALTERNATIVES TO CORPORAL PUNISHMENT**

Board of Education policy defines corporal punishment as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as means of discipline. Corporal punishment does not include reasonable force necessary to deal with an emergency situation. (See AG 5630B)

The following alternatives to the use of corporal punishment may be necessary when well-executed school and classroom management practices have not been effective. The principal has the authority to:

A. deny participation in special school and/or noncurricular-related activities;

B. assign to alternative center or program;

C. assign before or after school detention with twenty-four (24) hour notice to parents;

D. assign in-school restriction or in-school suspension;

E. assign out-of-school suspension;

F. confer with parents on sanctions which will be established both at school and at home or contractual agreements whereby the student commits to self-controlling behavior;

G. provide for a "time-out" area as a disciplinary procedure;

H. refer the student to a District counselor, a social worker, psychologist, and/or clinical specialists;

I. coordinate District services with social-service agencies such as Public Health, Social Services, Mental Health, etc., and/or with private institutions or agencies offering related appropriate services, providing there is no cost to the District;

J. arrange for a proper evaluation under Section 504 or IDEA, if there is reason to believe the student's behavior is related to a disability.

It is essential that any of the above alternatives that involve disciplinary actions be conducted in accordance with due process. (See Policy 5611)

ag5630B

USE OF PHYSICAL FORCE

5630B - **USE OF PHYSICAL FORCE**

District personnel may use reasonable physical force upon a student necessary to maintain a safe learning environment. They may also use reasonable physical force upon a student necessary to protect:

A. a staff member's personal safety;

B. the safety of another staff member or visitor;

C. the safety of the student or other students;

D. school property from damage or destruction;

E. themselves and others from danger arising from a dangerous weapon or object which is in the possession of or control of a student.

ag5722

SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS

5722 - **SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS**

In general, the objectives of school-sponsored student publications and productions are to:

A. communicate to those who are actively interested in the school – i.e., students, teachers, parents, administration, alumni, and other members of the school community;

B. provide vehicles for the expression of student thought and action and to act as catalysts for helping students realize goals and objectives;

C. create a wholesome school spirit and to support the best traditions of the school;

D. promote and encourage school-sponsored activities;

E. provide training in useful and purposeful writing, speaking, artwork, photography, and layout;

F. create a desire for the best forms of journalism or theatrical production, both in and out of school;

G. record in permanent form the history of the school;

H. promote cooperation among taxpayers, parents, the school, and its students.

In implementing Board of Education Policy 5722, the following guidelines are applicable:

A. Under those circumstances when the school-sponsored student media is subject to prior review and restraint, the following school officials are designated to conduct the prior review/restraint:

1. Class/Activity Advisor

2. Building principal

Prior review involves the practice of a school official reading or previewing a student

publication/production prior to its publication/performance. Prior restraint involves the practice of a school official – after reading or previewing the material – taking action to modify, inhibit, ban or restrain some or all of the style and/or content of the student publication/production prior to its scheduled publication/performance.

B. Students who work on school-sponsored student publications/productions shall:

1. endeavor to produce media based upon professional standards of accuracy, objectivity and fairness;

2. review and edit material to improve sentence structure, grammar, spelling and punctuation;

3. check and verify all facts and verify the accuracy of all quotations;

4. comply with all State and Federal laws;

5. determine the content of the student publication/production (if the publication/production has been identified as a limited-purpose public forum);

6. if the student publication/production has been identified as a limited-purpose public forum, in the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space for such comments and opinions;

7. perform with intelligence, objectivity, accuracy and fairness as set forth in the Code of Ethics adopted by the Society of Professional Journalists, Sigma Delta Chi.

C. Excellence in writing and/or speaking will be sought and the ethics of responsible journalism and/or literary merit will determine what will be published/performed. Presentation of facts or ideas is to be based on careful research.

D. Students shall have the right to express their views and attitudes on all issues provided the speech is not: 1) defamatory, libelous, obscene or harmful to juveniles; 2) reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; 3) an infringement upon the privacy or rights of others; 4) a violation of copyright law; 5) a promotion of activities, products or services unlawful (illegal) as the minors as defined by State or Federal law; or 6) otherwise a violation of school policy and/or State or Federal law.

E. Language, pictures, music, or symbols that are obscene, libelous or protected by copyright and/or trademark are prohibited.

F. A by-line shall accompany every printed article, publication, or production.

G. Advertisements shall reflect the spirit of these guidelines. Advertisements shall not be accepted that encourage or advocate violence or disregard of the law, promote the sale of any substance the use of which is prohibited by law (such as drugs and alcohol or of any paraphernalia associated with sex or drugs), any

item that would be offensive to a significant population of the school community, or items not in keeping with school purposes or that violate State or Federal law.

H. All school-sponsored student publications and productions are subject to prior review by the class/activity advisor(s) and/or building principal.

I. The following types of student expression are not protected (i.e. such expression is subject to prior review and restraint, and/or disciplinary action subsequent to its publication/performance):

1. Expression that is obscene, harmful to juveniles and/or considered a sex offense under State or Federal law. "Harmful to juveniles" is defined as material or performance describing or representing nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in any form to which all of the following apply:

    a. the material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex;

    b. the material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles; and

    c. the material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

2. Expression that is defamatory (i.e., speech that is libelous or slanderous). Libelous statements are provably false and unprivileged statements of fact that demonstrate injury to an individual's or business's reputation in the community. If the allegedly false statement involves a "public figure" or a "public official" the statement must be published "with actual malice" to constitute libel (i.e., the speaker knew the statement was false or the speaker published it with reckless disregard of the truth and/or without trying to verify the truthfulness of the statement). If the allegedly false statement involves an individual who is not a public figure or public official, libel occurs if the speaker published the statement willfully or negligently (i.e., the speaker failed to exercise reasonably prudent care when publishing the statement). Students are free to express opinions.

3. Expression that will cause or is reasonably likely to cause a substantial disruption of or material interference with school activities or the educational process, and/or an infringement upon the privacy and/or rights of others. For student media to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity or the educational process would occur if the publication or production is published/performed or has occurred as a result of the publication's or production's publication/performance. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able affirmatively to show specific facts that reasonably support a forecast of likely disruption. In determining whether student media is disruptive, consideration should be given to the context of the publication/performance as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the publication/performance of the student media in question.

The duties of the faculty advisor and assistant advisors shall be to:

A. serve in a liaison capacity between the publication/production's staff and the faculty and administration;

B. establish criteria and standards by which students can assess the quality of their publication/production and their techniques;

C. instruct members of the publication/production's staff in proper journalistic, literary, theatrical and/or broadcast techniques;

D. advise, suggest, and edit syntax and punctuation when necessary;

E. advise, counsel and supervise the editing process;

F. interpret the foregoing guidelines subject to final interpretation by the building principal Superintendent.

© Neola 2011

ag5723

STUDENT RIGHTS OF EXPRESSION

5723 - **STUDENT RIGHTS OF EXPRESSION**

In accordance with Board of Education Policy 5722 and Policy 9700, students have the right, protected by the First Amendment to the U.S. Constitution, to exercise freedom of speech. This includes the right to distribute or display, at reasonable times and places, written material, petitions, buttons, badges, or other insignia, except expression that:

A. is defamatory, libelous, obscene or harmful to juveniles;

B. is pervasively indecent or vulgar;

C. promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law;

D. constitutes insulting or "fighting words", the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character, or statements that violate the Board's policies regarding bullying, harassment and/or discrimination as set forth in Policy 2260, Policy 2260.01, Policy 5517 and Policy 5517.01);

E. infringes upon the privacy or rights of others;

F. violates copyright law;

G. is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process.

Distribution or display of material in any of the above categories is prohibited on school premises or at any school-related event. In addition, if the Principal has a legitimate question concerning the age-appropriateness of the material, the administrator may prohibit or reasonably restrict its distribution or display.

Procedures

Any student wishing to distribute or display nonschool material must first submit for approval a copy of the material to the principal twenty-four (24) hours in advance of desired distribution/display time, together with the

following information:

A. name of the student or organization

B. date(s) and time(s) of day of intended display or distribution

C. location where material will be displayed or distributed

D. the grade(s) of students to whom the display or distribution is intended

The principal should either approve the material or indicate how it violates the guidelines listed above or the time, place, and manner restrictions listed below. If permission to distribute or display the material is denied, the student shall have the opportunity to make necessary revisions and/or deletions.

Permission to distribute or display material does not imply approval of its contents by either the School, the administration of the School, or the Board.

The student submitting the request shall have the right to appear and present the reasons, supported by relevant witnesses and material, as to why distribution/display of the written material is appropriate.

If the student is dissatisfied with the decision of the principal, s/he may submit a written request for appeal to the Superintendent. The Superintendent will render a decision within forty-eight (48) hours. The student may appeal the decision to the Board of Education by notifying the Treasurer in writing. The Board will meet at the next regularly scheduled Board meetingto review the Superintendent's decision and make a final determination.

Time, Place, and Manner of Distribution or Display

The distribution or display of written material shall be limited to a reasonable time, place, and manner as follows:

A. No material may be distributed or displayed during the time or at the place of a school activity if it is likely to cause a substantial disruption of that activity.

B. No material may be distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school.

Definitions

The following definitions shall apply:

A. "Obscene to minors" is defined as:

1. the average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interest of minors;

2. the material depicts or describes conduct that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors;

3. the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

B. "Minor" means any person under eighteen (18) years of age.

Disciplinary Action

Distribution or display by any student of nonschool-sponsored material prohibited by these guidelines will be halted and disciplinary action will be taken in accordance with the procedures contained in AG 5600A and/or AG 5610.

Any other party violating this guideline will be requested to leave the school property immediately and, if necessary, the police will be called.

A version of this administrative guideline is to be published in student handbooks at the secondary level.

© Neola 2013

ag5751

PREGNANCY

5751 - **PREGNANCY**

The counseling of any pregnant student is primarily a counselor's responsibility.

The counselor, on becoming aware of the condition, should notify the principal, establish a relationship with the student, and function as liaison between the student, the staff, and outside resource people throughout the term of the pregnancy.

A statement from the doctor shall be submitted verifying the condition of pregnancy and indicating any limits to be placed on the student's program. If possible, arrangements for the resumption of education will be worked out when she is required to leave.

Appropriate referral procedures should be offered to the parents and to the girl and, if possible, to the prospective father, if a student of this District.

Upon request of the parents and a statement from the doctor, the girl may be placed in homebound instruction.

ag5771

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

Pursuant to Board of Education Policy 5771, the following guidelines shall be used when school administrators have reason to suspect that an illegal or dangerous substance or object or stolen property may be in the possession of a student:

A. All requests or suggestions for the search of a student or his/her possessions shall be directed to the Principal or the person in charge of the students while out of the District.

B. Wherever possible, before conducting the search, the building administrator shall notify the student, request his/her consent to the inspection if other than his/her locker, and inform the student that s/he may withhold consent. Such consent, if offered, shall be given voluntarily and with the knowledge that it could have been withheld. The Principal shall conduct the search, however, with or without the consent.

C. Wherever possible, an adult third party shall be present at any search of a student or his/her possessions.

D. The Principal may conduct a student search upon reasonable suspicion to suspect the presence of an illegal or dangerous substance or object, or anything contraband under school rules.

E. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student, whether during a student search or otherwise.

F. Wherever possible, the student shall be present at any search of his/her possessions.

G. The Principal shall be responsible for the prompt recording of each student search. The record shall be in writing and shall include the reasons for the search, the persons present, the objects found, and the disposition made of them, and shall be kept in a secure location in his/her office. (see Form 5771 F2)

H. Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the Principal shall act with as much speed and dispatch as is required to protect persons and property in the school while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

Reasonable Suspicion

As used in this section, "reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

A. has violated or is violating a rule or behavioral norm contained in the student handbook;

B. has violated or is violating a particular law;

C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or District property.

Lockers and Other Storage Areas Provided for Student Use

A. All lockers and other storage areas provided for student use remain the property of the District. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to these guidelines. A student using the locker or storage area has, by statute, no expectation of privacy in that locker or storage area or the contents contained therein (See Form 5771 F1). No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the Principal. Unapproved locks will be removed and destroyed.

B. The Principal may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.

C. The Principal may, at any time, request assistance of the School Resource Officer/Niles Police Department having jurisdiction over the facilities of the District. The law enforcement officer must have probable cause, however, to conduct a search of the lockers and storage areas and the contents contained therein.

Desks and Other Storage Areas

A desk or any other storage area in the school provided for student use as well as the contents contained therein, may be searched when the Principal has reasonable suspicion for a search.

Vehicles

A. Any vehicle brought on District premises by a student may be searched when the Principal has reasonable suspicion to justify the search.

B. One (1) of the conditions for granting permission for a student to bring a student-operated vehicle onto school premises is written consent by the student driver, the owner of the vehicle, and the parent of the student to allow search of that vehicle. Refusal by any of the parties to provide or allow access to a vehicle at the time of a search request shall be cause for terminating the privilege without further hearing.

C. Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

Student

A. The personal search of a student may be conducted by the Principal when s/he has reasonable suspicion for a search of that student. Authorized searches of the student's person are:

1. the student's pockets;

2. purses, briefcases, or any other object in the possession of the student;

3. a "pat down" of the exterior of the student's clothing and the removal of any item identified;

4. removal of an article of exterior clothing such as a jacket.

B. Strip searches are to be conducted only by law enforcement personnel.

C. Personal searches shall be conducted in a private room by a person of the same gender as the student and designated by the Principal. At least one (1) but not more than three (3) additional staff members of the same gender as the student being searched shall witness but not participate in the search.

At the request of the student to be searched, an additional person of the same gender as the student designated by the student, and then reasonably available on school premises, shall witness the search. The student's parents shall be notified of the search as soon as reasonably possible.

Use of Breath - Test Instruments

The Principal may arrange for a breath test for blood-alcohol to be conducted on a student whenever s/he has individualized reasonable suspicion to believe the student has consumed an alcoholic beverage.

The Principal shall attempt to contact the School Resource Officer/Niles Police Department (appropriate law enforcement agency) and arrange for it to conduct the test. The following procedure should be used:

A. Take the student(s) to a private administrative or instructional area on school property and have at least one other member of the teaching or administrative staff present as a witness to the test. If the student refuses to take the test, inform him/her that refusal to participate leaves the observed evidence of the alcohol use unrefuted thus leading to disciplinary action. Allow the student a second opportunity to be tested, and if s/he refuses again, ask the student to sign a refusal statement. Regardless of whether or not s/he signs, prepare a written report of the incident.

B. The purpose of the test is to determine whether or not the student has consumed an alcoholic beverage. The amount of consumption is not relevant, except where the student may need medical attention.

C. Make a written record of the instrument's serial number or identifier; the test result; the date, time, place of the test; the students' names; and the names of the witnesses.

D. If the instrument provides printed evidence, attach a print-out to the written record.

E. If the result indicates a violation of school rules as described in the student handbook, follow the disciplinary procedure described in the handbook.

F. If a staff member accompanying students on a school-related activity off school grounds has individualized reasonable suspicion to believe that a student has consumed an alcoholic beverage and no test instrument is available, s/he should make a written record of all facts upon which an opinion that the student has consumed an alcoholic beverage is based. Since the staff member is responsible, for the welfare of a student who may be intoxicated, s/he should supervise the student until s/he is returned to the custody of his/her parents or a law enforcement official.

Use of Dogs

The Board has authorized the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

A. The presence of the dogs on school property must be authorized, in advance, by the Principal/designee or be pursuant to a court order or warrant.

B. The dog must be handled by a law enforcement officer or a contracted person specially trained to safely and competently work with the dog.

C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

D. The dog will be allowed to examine a student's possessions, including vehicles.

E. The dog may be allowed to examine school property such as lockers as permitted by the Building Principal. Any limitation as to areas of school property to be examined by the dog shall be established at the time the use of dogs is authorized.

Method of Search

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, correlated items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity.

Items Found

Anything found in the course of a search which is evidence of a student violation of school rules or Federal/State laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the Principal until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt.

© Neola 2003

ag5772

WEAPONS

5772 - **WEAPONS**

The Board prohibits students, staff, and visitors from possessing, storing, making, or using a weapon in 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 without the permission of the Superintendent.

The term "weapon" means 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 explosives.

Any student who has reason to believe that a person has or will violate this guideline shall report such information to the school principal or the supervisor of the activity immediately. The report should include as much detail as possible concerning the person(s) involved, the weapon, the location of the person(s), and how this information was obtained.

The Superintendent will refer any student who violates this guideline 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.

No student is to confront the person possessing the weapon, but a staff member has the option of confronting the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

A principal or activity supervisor receiving a report of weapons possession shall have the option of conducting a search for the weapon in accordance with AG 5771, Search and Seizure, or contacting the local law enforcement agency for assistance.

© Neola 2002

ag5780

ADULT STUDENT RIGHTS

5780 - **ADULT STUDENT RIGHTS**

Each student who has reached the age of majority shall assume full responsibility for his/her performance in school, attendance, and compliance with school administrative guidelines.

Prior to assuming his/her full rights, the student should sign Form 5780 F1.

The administration reserves the right to advise parents of any situation regarding a student, regardless of age, which it deems worthy of parental involvement.

© Neola 2012

ag5820

STUDENT GOVERNMENT

5820 - **STUDENT GOVERNMENT**

Board of Education Policy 5820 authorizes and encourages the formation of student government organizations subject to the following guidelines:

A. The organization, operation, and scope of the student government body shall be defined in a written constitution developed through effective student participation with selected school advisors, and approved by the Principal.

B. Student government organizations shall function with respect to the provisions of their constitution and bylaws.

C. The principal shall ensure that all students have the right to vote and hold office in their student government organization.

D. The decisions of the student government organization shall not be influenced by the faculty and administration but should be subject to review by the principal to assure compliance with the purpose of the student organization.

E. The student government organization shall be responsive to the needs and interests of all students, and shall conduct open meetings to assure maximum involvement of all students.

F. Students shall have the right to and should be encouraged to recommend guidelines for their own conduct.

ag5830

STUDENT FUND-RAISING

5830 - **STUDENT FUND-RAISING**

The following guidelines are to be followed for any activity that involves fund-raising by students and from students.

No advisor for an approved school organization is to accept any form of compensation from vendors that will provide a fund-raising activity, including, but not limited to, cash, gifts, travel vouchers, tickets, passes, and other things of such value. In the event that such compensation is received, albeit unsolicited, the advisor shall notify the Treasurer, in writing, that s/he received such compensation and shall turn in such compensation to the Treasurer at his/her earliest convenience.

In any fund-raising activity involving students, the following conditions must be met:

A. Minimal instructional time is to be used to plan, conduct, assess, or manage a fund-raising activity unless such an activity is part of an approved course of study.

B. Fund-raising activities conducted in a school or on District premises are not to interfere with the conduct of any co-curricular or extra-curricular activity. Students involved in the fund-raiser are not to interfere with students participating in other activities in order to solicit funds.

C. Student participation in fund-raising activities conducted by school-related groups of which they are not members must be voluntary and must be approved by the student's teacher or counselor to ensure that participation will not adversely affect his/her school work and other school responsibilities.

D. In accordance with Board policy, each fund-raising activity must be approved by the principal if occurring on District premises and by the Superintendent if occurring off District property. (See Form 5830 F1 and possibly Form 5830 F2). In order to be approved, the group leader or advisor is to submit a proposal in advance of the event so that all fund-raising efforts may be coordinated so as not to burden or be a nuisance to students, faculty, parents, or the community.

E. The staff member in charge should establish procedures to ensure that all merchandise is properly stored, distributed, and accounted for. (see Form 5830 F4)

F. If an activity involves the students providing a service in return for money, such as a car wash, a member of the professional staff shall supervise the activity at all times. His/Her responsibility is to ensure the service is provided in a proper manner and also ensure the safety and well-being of the students and the property of both the purchaser and the owner of the site.

G. Any fund-raisers that require students to exert themselves physically beyond their normal pattern of activity, such as "runs for ....," must be monitored by a staff member who has the necessary knowledge and training to recognize and deal appropriately with a situation in which one or more students may be over-extending themselves to the point of potential harm.

© Neola 2014

ag5840A

UNAUTHORIZED YOUTH ORGANIZATIONS (YOUTH GANGS)

5840A - **UNAUTHORIZED YOUTH ORGANIZATIONS (YOUTH GANGS)**

Board of Education policy prohibits all student organizations other than those approved by the Board under Policy 2430. In order to recognize the characteristics of any type of unauthorized youth organization, the following administrative guidelines are to be followed.

Definition

A youth gang is defined as any nonschool-sponsored group of students with secret and/or exclusive membership, whose purposes or practices include unlawful or anti-social behavior as well as actions that threaten the welfare of others. Staff members should be alert to the following indicators of youth gang activity:

A. surreptitious recruitment and/or initiation rites

B. grooming, hair style and/or wearing of clothing, jewelry, head coverings, or accessories which by virtue of color, arrangement, trademark, or other attribute denotes membership in a group

C. gang tattoos and/or displaying gang markings or slogans, or use of hand signals on school or personal property or clothing (possessing literature that indicates gang membership

D. fighting, assault, hazing, extortion, establishing turf, etc.

E. gang vocabulary and nicknames

F. possession of weapons or explosive materials

G. possession of alcohol, drugs, drug paraphernalia

H. attendance at functions sponsored by a gang or known members

I. exhibiting behavior fitting police profiles of gang-related drug dealing

J. being arrested or stopped by police with a known gang member

K. selling or distributing drugs for a known gang member

L. aiding or abetting a known gang member commit a crime, or any other action directly resulting from membership or interest in a gang

Intervention Procedures and Enforcement

(Refer to the Student Discipline Code in the Parent/Student Handbook to determine if procedures and penalties have been described for the activities indicated above. If not, the following may be useful.)

Any or all of the following steps may be taken if a student in any school activity is suspected of or identified as being a member of a gang, shows interest in joining a gang, initiates or participates in any gang-related activity, or has been approached for recruitment.

A. Parents/Guardians will be contacted immediately and appropriate intervention initiated.

B. The student may be referred to counseling (personal and/or family); the Department of Human Services or other welfare or child care agencies of the respective county; and/or outside agencies or programs for treatment, if use of drugs and/or alcohol is involved.

C. Police, Juvenile Court, and other appropriate authorities will be notified in case of violence and/or illegal activities.

D. The student may be suspended from school or from a school-sponsored activity.

E. Parents and the student will be held liable and financially responsible for any and all forms of vandalism.

In order to prevent the onset of gang-related activity:

A. Adherence to the Dress Code, as defined in the Parent/Student Handbook, will be required at all school activities.

B. Conduct for all District-sponsored activities on and off school property will be in accord with the Code of Conduct.

C. If there is reasonable suspicion of gang involvement, such as possession of weapons or drugs, search and seizure guideline (AG 5771) will be followed.

D. Parents are to be encouraged to prohibit their children from hosting or attending unsupervised parties or activities.

E. Any form of graffiti on District property will be removed immediately.

Community Cooperation

Since gang activity is a community concern, communication is to be maintained with the police department as well as private and community agencies on all matters related to gang activity within the schools and in the community.

The extent of involvement by school personnel in gang-related incidents not under the jurisdiction of the Board will be determined in cooperation with legal counsel and the police, and will take into consideration the nature of the incident, safety of the those involved, the effect of the incident on other students, and the good order and functioning of the District.

ag5850

STUDENT SOCIAL EVENTS

5850 - **STUDENT SOCIAL EVENTS**

The following guidelines shall be used to conduct all social events.

A. Faculty advisors to school organizations will ensure that social events are adequately chaperoned in keeping with Board of Education policy. Other members of the staff shall cooperate with the advisors.

B. Chaperones must be present at social events sponsored by school organizations. The number needed shall be determined by the principal. In addition, the police, student-community relations persons, and security aides may be present.

C. Social events are restricted to current District students and their guests if prior approval has been given by the principal.

D. It is imperative that advisors and officers of organizations sponsoring dances or other social events set up an efficient checking system in both the boys' and girls' lavatories. Negligence on the school's part invites adverse public criticism.

E. It is essential that chaperones be present at the designated time so that students are not gathering without adult supervision.

F. Any police officers should be instructed by the advisors to maintain watch of the outside and to be available especially in the entrance area.

G. Students who leave the event are not to be readmitted, unless granted permission by the person in charge.

H. Chaperones will circulate among the people present at the event to be sure that they behave properly and to locate any persons under the influence of alcohol and/or drugs who may have gained entrance.

I. Intoxicated students or students causing trouble should be dealt with using the following procedure:

1. Identify any or all of the students involved.

2. Obtain one (1) or two (2) witnesses.

3. Telephone parents at once and tell them that it **appears** their son/daughter is either drinking or causing trouble, or is associating with those who are. Ask the parents to come to the social event at once to take custody of their son/daughter.

4. If the conditions persist and parents do not appear in a reasonable time, call the police.

5. If trouble or drinking is caused by people not of our District, call the police at once.

6. If possible, **DO NOT**:

    a. get involved in arguments;

    b. challenge anyone to prove that s/he is not drinking.

7. Definitely **DO NOT**: make any positive statements such as, "He **is** drunk", "She **is** a troublemaker", or "You **are** under the influence of _____".

8. **DO SAY:**

"It would appear that _____";

"It seems that _____".

PUBLIC PERFORMANCES BY STUDENTS

5880 - **PUBLIC PERFORMANCES BY STUDENTS**

The Board of Education in its Policy 5880 has recognized the value to students, the District, and the community of students sharing their talents and skills with the community through participation and performances in public events.

General Guidelines

A. At the beginning of each school year, staff members in charge of student groups who wish to perform out of the District at local events as an integral part of the instructional program shall submit the plan to the principal for approval. If the performance involves an overnight or extended trip, the request shall be submitted to the Superintendent by the principal in accord with AG 2340A.

   The plan for local performances should indicate the following information requested in the Student Performance Report Form 5880 F1:

   1. date submitted
   2. school organization
   3. instructor
   4. sponsoring organization
   5. location of the performance
   6. purpose of the performance
   7. fee (if any) and reimbursement costs
   8. estimated loss of instructional time
   9. benefits to the students, the student organizations, and the District
   10. Any outside group may also request a performance by an individual student, by a group of students not established as an approved school organization, or by an approved school organization when the

performance is not part of the approved performance plan described above.

B. In such cases, a student or staff member shall submit the request to the principal for approval. Each request is to be submitted on the Student Performance Request Form 5880 F1.

C. This guideline will also apply to students in art education, industrial arts, or other programs where students are requested to exhibit works at locations outside the District.

D. Priority will always be given to District-related performances. Nondistrict performances have priority in the following order: the local School District's community, other nearby school districts, and communities outside the District.

E. When public performances are scheduled as a regular part of a course of study taken for credit, students shall be informed in advance of the obligation to participate and will be excused from participation only in accordance with the rules and administrative guidelines governing school attendance.

F. When a request for public performance is not part of the regular program, all students who are members of the group invited to perform are polled for their willingness to do so and no request for a performance be granted unless the faculty advisor believes a sufficient number will participate to represent the school fairly and will acquire a valuable learning experience.

G. No student, group of students, or employees of this Board may receive personal compensation for the performance in public of students organized for a school activity but may collect a donation to an approved student activity fund.

H. All nondistrict performances shall be under the supervision of the professional staff of the District.

I. Requests for use of a student organization in nondistrict activities must be made in advance of the scheduled event, unless specifically exempted by the Principal.

J. All costs and expenses directly associated with the performance shall be borne by the sponsoring organizations other than transportation.

K. No nondistrict, noncurricular-related activity should involve extensive rehearsals or loss of school time.

L. No performance is to be used to promote competitive goods or services; commercial implications, if present, must not be more than incidental.

M. Participation in nondistrict activities where admission fees are charged is allowable only if the proceeds are for charitable, educational, or civic purposes.

© Neola 2005

ag6111A

GRANT WRITING - RESPONDING TO RFP'S

6111A - **GRANT WRITING - RESPONDING TO RFP'S**

Grants of funds to develop or enhance a program can be obtained in one (1) of two (2) ways.

The first is to respond to requests for proposals (RFP's) put out from time to time by Federal and State agencies and sometimes private organizations. The second is to seek out funds from public or private sources through submission of a grant request.

This guideline provides a strategy for preparing responses to Requests for Proposals (RFP's). AG 6111B provides a guideline for preparing grant requests for a District project or program. Some elements are the same or similar to both processes such as in preparing the proposal or the plan itself. Many factors are different, thus requiring a different strategy.

Step One - **Preliminary Approval** (see Form 6111 F1)

Prior to undertaking any response to an RFP, the project is to be discussed with the principal and then given preliminary approval by the Superintendent AND/OR and/or the Treasurer.

Step Two - **Project Abstract**

Summarize the need, objectives, activities and timelines, evaluation plan and project personnel so the reader could determine the merits/conformity of the proposal with just this statement. (See Form 6111 F2)

Step Three - **Statement of Need**

A. Describe the need(s) the project addresses.

B. Describe the methods used to identify the need(s).

C. Indicate how the need(s) relate to the need identified in the RFP.

D. Document the need(s) by presenting and interpreting data that indicates the current status of the need.

Step Four - **Objectives**

Describe in specific terms the expected or desired changes/outcomes related to both implementing the project and affecting the status of individuals.

All objectives for which progress is expected could be **performance** objectives or **facilitating** objectives.

Performance objectives describe specific observable changes (e.g., knowledge, attitudes and abilities) in individuals as a result of the project, either during the grant period or as implemented in the future.

Facilitating objectives describe major tasks related to changes (e.g., development, implementation, evaluation of products or processes) which will facilitate achievement or realization of some aspect of a goal(s).

Elements of each type of objective include:

PERFORMANCE OBJECTIVES	FACILITATING OBJECTIVES
- What change will occur in persons' knowledge, attitudes or abilities because of experiencing the project	What has to be done
- Who is to change	- Who is responsible
- Condition, if applicable	
- Standard(s) -- quality and/or quantity aspects to be demonstrated in an	- Standards -- quality and/or quantity aspects a process or

observable fashion or exhibit

product must possess

- Measurement means

- Verification methods

- Measurement date(s)

- Starting and completion dates

Step Five - **Strategies/Activities and Timeline**

Describe the specific activities related to accomplishing the objectives: i.e. person(s) responsible for seeing that each activity is completed; and other persons who will be involved in each activity and how they will be involved. Attach a timeline which shows the starting and completion dates of each activity. (See Form 6111 F4)

At this point you may want also to indicate the evaluation or verification needed to determine that the objectives are met. (See attached form. The form will be useful throughout the term of the grant to organize and follow the project).

Step Six - **Evaluation Plan**

Using the Evaluation Plan Form 6111 F3, develop an evaluation plan for RFP related objectives which will supply useful information. The following items should be addressed in the plan for each objective or group of related objectives:

A. Evaluation Data/Information Needed - specify determinants of the status and/or attainment/achievement of each objective.

B. Purpose(s) of Information - specify usefulness and applicability of evaluation data.

C. Means and Source of Acquiring Information - include appropriate evaluation techniques and instrumentation; indicate who and/or what will supply the information.

D. Means of Analyzing and Reporting Information - indicate how the information will be analyzed and reported.

E. Date(s) of Information Collection - indicate date(s) on which information is to be obtained.

F. Person(s) Responsible for Analyzing and/or Reporting Information - identify personnel responsible for reviewing and presenting the information obtained.

Step Seven - **Project Personnel**

Delineate all personnel who will be directly involved in project activities. Include the relationship between project staff members and other staff members; previous and/or current RFP-related experiences; and present availability to complete project activities.

Step Eight - **Budget Worksheet**

Complete the Budget Worksheet (See Form 6111 F5).

The proposed itemized budget must be prepared for expenditures directly related to the requirements of the RFP.

Step Nine - **Proposal Review**

Review the draft proposal against each of the criteria found on Form 6111 F1.

Step Ten - **Final Check**

After the proposal has been reviewed and revised (Step 6), submit it to staff members/administrators whose input is needed to confirm that District commitments can be fulfilled if the grant is received.

Step Eleven - **Final Approval**

Prior to submission, present the proposal to the Superintendent and/or the Treasurer for written authorization.

Step Twelve - **Proposal Submission**

Submit the requested number of copies of the proposal in an envelope or container that is strong enough to withstand rough handling in transit. Check to make sure the label is complete and accurate so the proposal is being sent to the proper person or department.

© Neola 2003

ag6111B

GRANT WRITING - REQUESTING A GRANT

6111B - **GRANT WRITING - REQUESTING A GRANT**

Step One

Prepare a preliminary proposal which describes in two (2) or three (3) paragraphs:

A. the purpose of the project (what problem is to be solved or what learning is to take place);

B. the desired outcomes (what will have been accomplished if the project is successful);

C. how the project will function (main activities that will produce the desired outcomes).

Ask key staff members to review the draft for clarity and accuracy since it will serve as the in-District "communication" while the proposal is being prepared and ultimately as the abstract for the fiscal proposal.

Submit the preliminary proposal to the Superintendent and/or Treasurer for approval prior to proceeding with creating the proposal. (see Form 6111 F1)

Step Two - **Statement of Need.**

A. Describe the need(s) the project addresses.

B. Describe the methods used to identify the need(s).

C. Document the need(s) by presenting and interpreting data that indicates the current status of the need.

Step Three - **Objectives**

Describe in specific terms the expected or desired changes/outcomes related to both implementing the project and affecting the status of individuals.

All objectives for which progress is expected could be **performance** objectives or **facilitating** objectives.

Performance objectives describe specific observable changes (e.g., knowledge, attitudes and abilities) in individuals as a result of the project, either during the grant period or as implemented in the future.

Facilitating objectives describe major tasks related to changes (e.g., development, implementation, evaluation of products or processes) which will facilitate achievement or realization of some aspect of a goal(s).

Elements of each type of objective include:

PERFORMANCE OBJECTIVES	FACILITATING OBJECTIVES
- What change will occur in persons' knowledge, attitudes or abilities because of experiencing the project	What has to be done
- Who is to change	- Who is responsible
- Condition, if applicable	
- Standard(s) -- quality and/or quantity aspects to be demonstrated in an observable fashion	- Standards -- quality and/or quantity aspects a process or product must possess or exhibit
- Measurement means	- Verification methods
- Measurement date(s)	- Starting and completion dates

Step Four - **Strategies/Activities and Timeline**

Describe the specific activities related to accomplishing the objectives: i.e. person(s) responsible for seeing that each activity is completed; and other persons who will be involved in each activity and how they will be involved. Attach a timeline which shows the starting and completion dates of each activity.

At this point you may want also to indicate the evaluation or verification needed to determine that the objectives are met. (See attached Form 6111 F4. The form will be useful throughout the term of the grant to organize and follow the project).

Step Five - **Evaluation Plan**

Using the Evaluation Plan Form 6111 F3, develop a plan which will supply information needed to assess how closely the results the project actually achieves with those proposed in the grant request. The following items should be addressed in the plan for each objective or group of related objectives:

A. Evaluation Data/Information Needed - specify determinants of the status and/or attainment/achievement of each objective.

B. Purpose(s) of Information - specify usefulness and applicability of evaluation data.

C. Means and Source of Acquiring Information - include appropriate evaluation techniques and instrumentation: indicate who and/or what will supply the information.

D. Means of Analyzing and Reporting Information - indicate how the information will be analyzed and reported.

E. Date(s) of Information Collection - indicate date(s) on which information is to be obtained.

F. Person(s) Responsible for Analyzing and/or Reporting Information- identify personnel responsible for reviewing and presenting the information obtained.

Step Six - **Project Personnel**

Delineate all personnel who will be directly involved in project activities. Include the relationship between project staff members and other staff members; previous and/or current experiences related to the proposed project; and present availability to complete project activities.

Step Seven - **Budget Worksheet**

Complete the Budget Worksheet See Form 6111 F5.

The proposed itemized budget should detail all expenditures for each activity described in Step Four.

Step Eight - **Proposal Review**

Review the draft proposal against each of the criteria found on Form 6111 F1.

Step Nine - **Location of Funding Sources**

A. Locate possible funding sources by identifying private foundations and/or government agencies which provide funds for the type of project being planned. The public library has reference books which list all types of foundations and the types of programs each will support. Also, there is a Foundation Center in New York which will provide assistance in linking the project to foundations. Call 1-800-424-9836.

B. For government agencies, contact the State Department of Education, the Federal Department of Education, or the office of Management and Budget. The latter will provide a document entitled Catalog of Domestic Assistance. Also, don't overlook local funding sources such as family or civic foundations, businesses, and industries, or individuals who would see the project as a significant program for local students.

Step Ten - **Final Approval**

Prior to submission, present the proposal to the Superintendent and/or Treasurer for written authorization.

Step Eleven - **Submission of Proposal**

Submit the requested number of copies of the proposal in an envelope or container that is strong enough to withstand rough handling in transit. Check to make sure the label is complete and accurate so the proposal is being sent to the proper person or department.

Step Twelve - **Follow-Through**

If the proposal is rejected by one or more of those to whom it was submitted, try to find out the reasons for the rejection to determine if the proposal needs to be revised. If it appears the proposal is still valid as is, submit it to other groups who have similar concerns. Reviewing committees differ in perspective, interests, and priorities, so don't give up after one (1) or two (2) rejections.

© Neola 2012

ag6146

POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS

6146 - **POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS**

FOR RELEASE "UPON REQUEST"

These Administrative Guidelines are organized with reference to the applicable lettered paragraphs in Policy 6146. All capitalized terms used but not defined herein have the meanings assigned in Policy 6146.

Certain of these Administrative Guidelines assign responsibilities to named officials of the District. The named officials may delegate certain assigned responsibilities but will remain responsible for compliance with these Administrative Guidelines. The official with ultimate responsibility for compliance with the Policy and these Administrative Guidelines will be the Superintendent.

A. **Investment and Expenditure of Proceeds**

1. The Treasurer will charge capital expenditures that are financed by Obligations to the corresponding capital projects fund. Each project will have a specific fund number used to track that project, and discrete expenditures will be further categorized by project location (by street address or name of facility) and functional description of the financed improvement.

2. The Administrative Assistant of Each Federal program will enter purchase orders and the Treasurers Office Accounts Payable personnel will pay and capture such purchase orders in the general ledger by the specific account code.

3. TheTreasurers Office along with the Federal program administrative assistant will , file and retain all purchase orders, invoices, checks, wire transfers and any other records with respect to facilities or equipment financed or refinanced with the proceeds of Obligations.

4. The Treasurers Office along with the federal program administrative assistant will ensure that the investment of all proceeds of Obligations is tracked by fund or account (e.g., debt service fund, debt service reserve fund, project or construction fund, etc.) and investment yield.

5. The Treasurers Office along with the federal program administrative assistant will avoid formal or informal creation of funds reasonably expected to be used to pay debt service on Obligations without determining in advance whether such funds must be invested at a restricted yield.

B. **Periodic Review**

1. Promptly after the adoption of Policy 6146, the coordinator of each Federal progam will cause an evaluation of tax compliance to be undertaken for outstanding Obligations (the "Initial Evaluation"). Upon the completion of the Initial Evaluation, the coordinator of each Federal program will prepare a report to the Treasurer on the results of the Initial Evaluation (the "Initial Report") which will identify outstanding Obligations and the Financed Facilities relating to specific Obligations. The Initial Report will express the findings of the Finance Director whether the Obligations satisfy the requirements of the Policy and these Administrative Guidelines and will contain (A) a spreadsheet setting forth any Use Arrangement with respect to any Financed Facilities or sale, or other disposition, lease or sublease of Financed Facilities and the Obligations to which they relate, and (B) a statement that any arbitrage rebate then due has properly been paid or that an exception or exemption from such payment is available.

2. The Coordinator of each Federal program will cause a follow-up evaluation annually of tax compliance to be undertaken for outstanding Obligations (the "Annual Evaluation") with the same objectives and scope as the Initial Evaluation and will provide to the Treasurer a report (the "Annual Report") of the findings of the Annual Evaluation and an updated spreadsheet as provided in the Initial Evaluation.

C. **Potential Noncompliance**

1. If the Initial Evaluation or any Annual Evaluation discloses potential non-compliance with the tax requirements applicable to outstanding Obligations, the Treasurer will promptly consult with the District's attorney and Bond Counsel. Such consultation will consider whether the evaluations were properly performed and whether any amendments to Use Arrangements, sale, lease or sublease agreements, adjustments to allocation methodologies, mixed financing sources, or other accounting techniques may avoid non-compliance.

2. If the District determines after consultation with the District's attorney and Bond Counsel that non-compliance has occurred, the Treasurer will promptly consult Bond Counsel concerning the ability of the District to remedy the non-compliance under the Code and Treasury Regulations or to seek a voluntary closing agreement.

D. **Retention of Professionals; Rebate Analyst**

1. The Treasurer will engage such professionals or consultants as are necessary to ensure that the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations are satisfied, including the engagement of Bond Counsel.

2. If the District determines that any of the outstanding Obligations are not exempt from rebate, the District will engage an arbitrage rebate firm as its arbitrage rebate computation agent (the "Rebate Analyst"). The Treasurer will ensure that records of investment and expenditure of the proceeds of Obligations are timely delivered to the Rebate Analyst and that the Rebate Analyst prepares annual computation reports that advise the District of any rebatable arbitrage accrued with respect to any such bonds.

3. The Treasurer will ensure that the Rebate Analyst timely prepares returns relating to payment of arbitrage rebate (currently on IRS Form 8038-T) and that such forms are timely filed with and any

rebatable arbitrage are timely paid to the United States as required under Section 148(f)(4) of the Code.

E. **Purchase of Investments**

F. **Credit Enhancement Transactions**

Prior to bidding for, purchasing, entering into, or otherwise engaging in any post-issuance credit enhancement or hedging transactions relating to the proceeds of or debt service on Obligations (including, without limitation, bond insurance policies, letters of credit, guaranteed investment contracts, interest rate swaps, and market hedges), the Treasurer will consult with Bond Counsel.

G. **Subsidy Payments**

H. **Post-Issuance Modifications**

Prior to entering into any modification of the terms of any Obligations (including, without limitation, changes in maturity date, interest rate, call provisions, financial or earnings covenants, or use of proceeds), the Treasurer will consult with Bond Counsel.

I. **Records Retention**

1. Retention Period - Records material to Obligations will be retained by the District for a period equal to the maturity of such Obligations, plus 3 years. In the event any Obligations are refunded, records of the original Obligations will be retained until the maturity of the refunding Obligations, plus three (3) years.

2. Form of Records - Records may be in hard copy and/or CD or other electronic copy.

3. Records to be Retained - The District will retain records of the following:

    a. Issuance and Sale of the Obligations - The Transcript and, to the extent not included in the Transcript, minutes, resolutions and records relating to elections authorizing the issuance of the Obligations; allocation of proceeds of Obligations to expenditures, reimbursement of pre-issuance expenditures and issuance costs; Federal tax or informational returns (i.e. Form 8038-G); use of funds from other sources for Financed Facilities; certification of the issue price for the Obligations; escrow statements relating to refunding Obligations, the investment and expenditure of the original proceeds of the Obligations; bidding certificates for guaranteed investment contracts; credit enhancement contracts, swap or other derivative contracts; certifications relating to any of the foregoing; any filings or correspondence with the IRS; and any correspondence, letters, faxes relating to the foregoing.

    b. Post-Issuance - Any sources of payment or security for the Obligations; allocation of proceeds of Obligations to expenditures, escrow statements relating to refunding Obligations, use of funds from other sources for Financed Facilities; reimbursement of pre-issuance expenditures and issuance costs; investment earnings including requisitions, trust or investment statements, investment contracts (i.e. guaranteed investment contracts), credit enhancement transactions (i.e. bond insurance), financial derivatives (i.e. swaps, caps, etc.), or bidding of

financial products; rebate computations; yield reduction payments; Federal tax or informational returns (i.e. Form 8038-T or 8038-R); certifications relating to any of the foregoing; any filings or correspondence with the IRS; and any correspondence, letters, faxes relating to the foregoing.

c. Financed Facilities - Listing of Financed Facilities (whether such facilities are land, buildings or equipment); economic life calculations; architectural or construction drawings; contracts or agreements for construction, renovation and improvements of Financed Facilities; use of proceeds arising from the sale or disposition of Financed Facilities after the issuance of Obligations; governmental grants financing or refinancing a portion of Financed Facilities; appraisals; feasibility studies; information regarding depreciation; and any correspondence, letters, faxes relating to the foregoing.

d. Expenditures of Proceeds - Allocation of proceeds of Obligations to expenditures, reimbursement pre-issuance expenditures and issuance costs; requisitions; draw schedules; draw requests, invoices; bills; cancelled checks; wire transfer remittances; resolutions authorizing reimbursement of pre-issuance expenditures; certifications relating to any of the foregoing; any filings or correspondence with the IRS; and any correspondence, letters, faxes relating to the foregoing.

e. Use Arrangements - Use Arrangements relating to Financed Facilities and contracts or agreements for the sale, lease or sublease of Financed Facilities, including management contracts, service contracts, naming rights agreements or title retention agreements; and any correspondence, letters, faxes relating to the foregoing.

f. Miscellaneous - Elections for accounting methods, rebate matters, or application of regulatory provisions; publications, brochures and newspaper articles relating to the Obligations; and reports of any prior IRS examination of the District or Obligations; and any correspondence, letters, faxes relating to the foregoing.

4. Custodian - The Treasurers office and Administrative Assistant of each Federal program will be custodian of the foregoing records.

J. **Continuing Disclosure**

1. Promptly after the adoption of Policy 6, the coordinator of each Federal program will prepare a report and provide such report to the Treasurer for Obligations (the "Initial Undertaking Report") which will identify all Obligations, whether there is a related undertaking by the District to comply with the Rule (each, an "Undertaking"), what information is required to be provided, how, where and when such information must be filed and whether the District has made the proper filings to date with respect to each Undertaking.

2. The coordinator of each Federal program will annually prepare a report and provide such report to the Treasurer which provides updated information for the information provided in the Initial Undertaking Report (the "Annual Undertaking Report").

3. If the District has entered into an Undertaking:

a. All filings will be made by electronically transmitting such filings through the Electronic Municipal Market Access System (EMMA) of the MSRB (http://www.emma.msrb.org), or such

other system, internet website or repository prescribed by the MSRB, unless specifically required otherwise in the Undertaking.

b. The Treasurer in conjunction with the coordinator of each Federal program will file all annual operating and financial information as required by the specific Undertaking.

c. The the Treasurer in conjunction with the coordinator of each federal program will file notices of the following material events as required by the specific Undertaking: Principal and interest payment delinquencies; non-payment related defaults; unscheduled draws on debt service reserves reflecting financial difficulties; unscheduled draws on credit enhancements reflecting financial difficulties; substitution of credit or liquidity providers, or their failure to perform; adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security; modifications to rights of securities holders; bond calls; tender offers; defeasances; release, substitution, or sale of property securing repayment of the securities; rating changes; bankruptcy, insolvency, receivership or similar event of an obligated person; the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; appointment of a successor or additional trustee, or the change of name of a trustee; failure to provide annual financial information as required; and other material events as determined by the Treasurer in conjunction with the coordinator of each Federal program after consulting with Bond Counsel.

4. If the District has failed to make proper filings with respect to any Undertaking, the Treasurer will consult with Bond Counsel.

Summary of Responsibilities

Treasurer

A. Ensure overall compliance with the Policy and these Administrative Guidelines; monitor responsibility assignments of these Administrative Guidelines; periodically review the Policy and these Administrative Guidelines.

B. Meet at least annually with the Finance Director to evaluate use of Financed Facilities. (Paragraph B).

C. Monitor Use Arrangements and the sale or other disposition, lease or sublease of Financed Facilities and consult with Bond Counsel, as necessary, prior to entering into contracts or agreements. (Paragraph B)

D. Review the Initial Report and Annual Reports. (Paragraph C)

E. Report potential non-compliance to the District's attorney and Bond Counsel and consult with same. (Paragraph D)

F. Engage professionals as deemed necessary to ensure compliance. (Paragraph E)

G. Retain and manage relationship with Rebate Analyst and ensure filing of returns relating to rebate. (Paragraph E)

H. Consult with Bond Counsel before entering into credit enhancement transactions with respect to Obligations. (Paragraph G)

I. Consult with Bond Counsel prior to any modification of the terms of any Obligation. (Paragraph I)

J. Review the Initial Undertaking Report and Annual Undertaking Reports. (Paragraph K)

Coordinator of each Federal program

A. Monitor, record, and allocate expenditure of bond proceeds by project location and functional description. (Paragraph A)

B. Until final allocation of bond proceeds, prepare a monthly report of project expenditures. (Paragraph A)

C. Prepare and retain separate records for investment performance of bond proceeds. (Paragraph A)

D. Make and record final allocations of expenditures of proceeds of Obligations. (Paragraph A)

E. Meet at least annually with the Superintendent and Treasurer to evaluate use of Financed Facilities. (Paragraph B)

F. Ensure preparation of and review Initial Report and Annual Reports. (Paragraph C)

G. Monitor compliance with spending exceptions to rebate. (Paragraph C)

H. Monitor compliance with "temporary period" expectations for expenditures of proceeds of Obligations. (Paragraph C).

I. Make and retain a final allocation of the expenditure of proceeds of Obligations. (Paragraph C)

J. Consult with Bond Counsel before purchasing guaranteed investment contracts or non-publicly traded certificates of deposit with proceeds of Obligations. (Paragraph F)

K. Timely file any required return or other documentation required for federal subsidy payments. (Paragraph H)

L. Ensure compliance with record retention policies and act as custodian of retained records. (Paragraph J)

M. Ensure preparation of and review Initial Undertaking Report and Annual Undertaking Reports. (Paragraph K)

N. File annual operating and financial information and material event notices. (Paragraph K)

Coordinator of each Federal program

A. Coordinate with theTreasurer on purchase orders and expenditures with respect to Financed Facilities. (Paragraph A)

B. Scan and file all purchase orders, invoices, checks, wire transfers and any other records with respect to Financed Facilities. (Paragraph A)

C. Provide advance notice to the Treasurer of any Use Arrangements that relate to Financed Facilities or sale, lease, sublease or other disposition of Financed Facilities. (Paragraph B).

© Neola 2012

ag6220

BUDGET (APPROPRIATIONS) PREPARATION

6220 - **BUDGET (APPROPRIATIONS) PREPARATION**

The budget is formulated under the direction of the Treasurer using a cooperative budgeting system in which the principals and department supervisors develop throughout the year, a list of items for implementing the instructional program, and/or for day-to-day operations in their schools/departments that they wish to include in the next budget. Prior to the start of the budget preparation process, the Treasurer in cooperation with the Superintendent_ will prepare a Timetable for Budget Preparation by which the preparation, review, and approval will take place.

At the beginning of each budget year, the Department heads will estimate the costs of District-wide operations such as staff, building maintenance, transportation, capital improvements, etc., and determine the allocation for each school as well as the total allocation for each operating department.

A. If there is a decrease in per student allocation, the principal and staff are to apportion the decreases among the discretionary categories and justify the apportionment in terms of impact on accomplishing the school's instructional goals.

B. Operating department supervisors are to apportion their department's allocation and justify the apportionment in terms of the effect on accomplishing the department's operational goals.

C. The Superintendent, in collaboration with the administrative team, shall make a compilation of the budget requests and determine how any increase in revenues will be allocated.

The completed tentative budget shall contain the amount budgeted for proposed expenditures by funds.

The proposed expenditures and anticipated revenues in the budget shall be supported by explanatory schedules or statements of sufficient detail to judge the validity thereof, including a statement which shall summarize the aggregate of revenues, appropriations, assets, and liabilities of each fund, in balanced relations (refer to the five-year forecast).

ag6320A

PURCHASING

6220A - **PURCHASING**

Purchasing - General Provisions

A. All purchases shall be by purchase order processed through the Treasurers Office.

B. The Treasurers shall be the contracting agent for all financial obligations.

C. The Data Processing Agent shall be responsible for encumbering the funds.

D. A verbal financial commitment may be made only for emergencies or when it is impossible or impractical to precede the purchase with a purchase order. Before such a commitment is made, the Treasurer shall be contacted for prior approval and for a purchase order number. In all such cases, a purchase order shall be issued as soon as possible after the commitment is made.

E. Employees are forbidden to use the name of the District, any discounts provided the District, or any other means for associating a personal purchase with the District. They are to make clear to any District supplier from whom they are purchasing an item that it is a personal purchase by the employee and is not associated with the District. Failure to abide by this provision could lead to disciplinary action.

F. Ongoing commitments such as service contracts and leases should be renewed, in writing, at the renewal date.

G. Blanket purchase orders for goods or services are valid only for the time period and amount indicated on the purchase order. Extension of the commitment beyond that time and/or amount shall be confirmed by a new purchase order. Blanket purchase orders must be approved by the Superintendent/Treasurer before they are issued.

H. Purchases of contracted services shall be negotiated either verbally, by a Request for Proposal, or through the bid process, as determined by the Superintendent/Treasurer. Such services that cost more than $50,000 require the approval of the Board.

I. The Superintendent/Treasurer along with department head will determine the most appropriate method of obtaining prices for items or groups of items which are not subject to formal bidding procedures.

J. Quotes will be requested for any item or group of items in a single transaction costing between $10,000 and $50,000.

K. Purchases of supplies, materials, and equipment items costing more than the amount stipulated in Board policy must be obtained through competitive, sealed bids and be approved by the Board.

L. Annual purchase order cut-off dates shall be as follows:

Purchase orders must be received in the Treasuers Office on or before the date set each year day prior to the close of the fiscal or project year, unless the services or supplies are essential to continue the daily operation of the department or building for the remainder of the current year, or unless an emergency exists.

Purchase Order Procedure

A. The requestor completes the requisition-purchase order and submits it to the principal/supervisor for review and approval.

B. If approved, the principal/supervisor will give to his/her designated administrative assistant to input into the requisition program. If the purchase is not for one of the building budgets a triplicate requisition will be sent to the Treasurers office.

C. The requisition-purchase order is entered into the computer for verification,after the Treasurers assigns/checks the accounts to be charged Data processing agent forwards it to the Superintendent for approval.

D. After approval, the Superintendent sends the requisition back to the data processing agent to assign a number, date and affix electronic signatures.

E. The original copy of the requisition and-purchase order(the white and gold) are returned to the departments for processing.

F. The yellow copy is filed by the Accounts Payable Clerk and pink copies are filed numerically and retained in the treasurers office.

Payment of Claims Procedure

A. When delivery is made, the principal/supervisor checks the gold copy of the requisition-purchase order to ensure the order has been received correctly and in proper condition.

B. If so, the packing or delivery slip is initialed, attached to the gold copy of the requisition-purchase order and returned to the Accounts Payable Clerk for payment.

C. The Accounts Payable Clerk checks the gold copy against the invoice, matches it to the yellow copy and if everything is in order, a warrant is drawn.

D. If the Accounts Payable Clerk finds discrepancies or has questions, s/he shall contact the principal/supervisor.

E. The vendor's invoice is filed with the gold copy of the requisition-purchase order and a copy of the warrant.

F. Upon payment, a copy of the warrantis returned to the principal/supervisor indicating the amount and date paid.

© Neola 2004

ag6320C1

BIDDING

6320C1 - **BIDDING**

The following procedures will be followed:

A. **Preparation**

1. The Treasurer is responsible for preparing bid documents and advertising for solicitation of bids.

2. The technical specifications for the purchase of special equipment, materials and/or services shall be prepared by the person or department requesting the purchase and submitted to the Treasurer. Specifications must be complete and accurate so that goods received conform to standards desired.

3. All bids of $50,000 or more must be publicly advertised and shall carry the name and title of the secretary of the Board.

4. The advertisement for bids will generally be placed in local newspapers in accordance with statute. Advertisements for bids should also be placed in other appropriate publications when bidding construction projects and specialized equipment and may also include the District's website in accordance with R.C. 3313.46(A)(2). For bonds or other borrowings, State laws relating to publication shall govern public advertisements.

5. Each bid shall be accompanied by either a bond for the full amount of the bid or a cashier's check or letter of credit equal to ten percent (10%) of the total bid and a statement indicating the vendor has no outstanding personal property tax obligations.

B. **Bid Opening**

1. All bids whether invitational or publicly advertised shall be opened publicly at a specified time and place.

2. Generally, bids shall be opened and read at the Niles Board of Education. Bid openings shall be attended by at least two (2) individuals who are District employees, one of whom should be either the Treasurer or Superintendent designated department head.

3. The Treasurer, along with the person directly involved in the purchase, shall evaluate the bids and recommend purchases, unless otherwise determined by the Superintendent and/or the Board and/or prohibited by law.

C. **Bid Awards**

Award of bids shall be as follows:All bids $50,000 or greater shall be awarded by the Board.

D. **Cooperative Bids**

Participation in cooperative purchasing/bidding arrangements with other schools, governmental units are permitted providing they satisfy the District's bidding requirements.

E. **State Contract Purchases**

Participation in State of Ohio Department of Administrative Services (DAS) purchase contracts is permitted when specifically authorized by resolution of the Board. A certified copy of the resolution requesting authorization to participate and agreeing to abide by the terms and conditions as prescribed by DAS shall be filed, in advance of the purchase, with DAS. The District shall provide for direct payment to the vendor under each purchase contract. The District shall pay to DAS, if charged, a reasonable fee to cover DAS's administrative costs incurred as a result of the District's participation in a purchase contract.

Purchases made through participation in such State Contracts are exempt from other competitive selection procedures. When bids have been received by the District for a particular purchase, State Contract participation is prohibited unless the purchase can be made upon the same terms, conditions, and specifications at a lower price.

© Neola 2015

ag6423

USE OF CREDIT CARDS

6423 - **USE OF CREDIT CARDS**

The Board of Education recognizes the convenience and efficiency afforded by the use of District credit cards (see Form 6423 F1). Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. As such, employees are required to abide by the following guidelines when using a District credit card.

A. All credit cards issued to and in the name of the Niles City School District shall be held and supervised by the Treasurer and Superintendent.

B. Board member(s) and administrative staff may use credit cards only in connection with Board-approved or school-related activities and in accordance with established, pre-approved single purchase limits, monthly spending limits, funds availability, and the appropriation of a particular building or department budget, grant provision, or student activity purpose clause.

C. The Treasurer shall be responsible for the initial issuance, reissuance, and cancellation of District credit cards and shall maintain 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.

1. When the District applies for a credit card, the Treasurer will require that accurate and complete information is submitted to the issuing entity. Once the new card is received, the Treasurer will confirm that the District's name and any other required information appear accurately on the card and any other presentation instruments.

2. 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. The Treasurer will notify the entity that issued the credit card to request cancellation of the lost or stolen card as soon as is practicable and will initiate procedures to obtain a replacement card if necessary.

D. Subject to the discretion of the Board and the approval of the Treasurer, credit cards may be used for eligible goods and services including:

1. transportation reservations and expenses;

2. conference registrations;

3. hotel reservation guarantees and expenses;

4. reasonable meal expenses (both in-town and out-of-town), including a maximum gratuity of twenty percent (20%), but excluding alcoholic beverages;

5. purchases from vendors who do not accept purchase orders or vouchers with prior approval;

6. 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 in advance;

7. other purchases approved by the Treasurer on a case-by-case basis.

E. Credit cards shall not be used for personal purchases or expenditures. In particular, credit cards shall not be used for expenses that are not incurred in connection with Board-approved or school-related activities, are not for the benefit of the District, and do not serve a valid and proper public purpose. 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).

Use of the District credit card for any cash withdrawal transaction is strictly prohibited.

F. Employees requiring the use of Districtcredit cards shall request (in writing) such cards from the Treasurer.

G. The District is a nonprofit political subdivision of the State of Ohio. Tax exemption forms shall be utilized and are available at the Treasurer's Office.

H. Upon receipt of a District credit card, employees shall:

1. 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.

2. Maintain credit cards in a secure fashion and prevent unauthorized charges to the account.

3. 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.

4. Maintain sufficient documentation of all purchases including, but not limited to, charge receipts, original cash register slip or other detailed receipts, and invoices.

5. Provide documentation of all purchases in a timely manner to ensure prompt payment.

6. Refrain from allowing anyone else to use the credit card or account number.

7. 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.

I. When using the card for over-the-counter purchases:

1. Identify the purchase needed and determine funds availability.

2. Determine if the purchase amount is within his/her pre-approved single purchase limit. If yes, proceed to the next step. If no, check with his/her supervisor for details on how to proceed.

3. In purchasing goods and/or services, employee(s) shall provide the merchant with the credit card and inform the merchant that the purchase is for "official School District business" and is not subject to State or local sales tax. If the merchant refuses to waive the sales tax, the employee shall pay it.

4. Give receipt and supporting documentation to the treasurer's office personnel.

J. When using the card for telephone orders:

1. Identify the purchase needed and determine funds availability.

2. Determine if the purchase amount is within his/her pre-approved single purchase limit. If yes, proceed to the next step. If no, check with his/her supervisor for details on how to proceed.

3. Contact the merchant and place the order.

4. In purchasing goods and/or services, employee(s) shall provide the merchant with the credit card and inform the merchant that the purchase is for "official School District business" and is not subject to State or local sales tax. If the merchant refuses to waive the sales tax, an employee shall pay it.

5. Provide merchant with card number and expiration date and any and all pertinent information, including the name of the Cardholder, shipping address, etc.

6. Upon the arrival of merchandise, an employee shall inspect and verify order accuracy, quality, and price and retain shipping documents and receipts received with the merchandise.

7. Give all related documents to the treasurer's office personnel.

K. When using the card for Internet orders:

1. Identify the purchase needed and determine funds availability.

2. Determine if the purchase amount is within his/her pre-approved single purchase limit. If yes, proceed to the next step. If no, check with his/her supervisor for details on how to proceed.

3. Locate the merchant's website and verify whether the website s/he is accessing is secure before entering the credit card account number and placing an order.

4. In purchasing goods and/or services, employee(s) shall enter the card number and expiration date. The employee(s) shall indicate that the purchase is tax-exempt if the website does not automatically recognize that the purchase is tax-exempt.

5. Provide all pertinent information to the supplier, including the name of the Cardholder, shipping address, etc. Note: If downloading a purchased product from the Internet, the employee shall print out the electronic confirmation and include it with the transaction documentation.

6. Upon arrival of merchandise, employee(s) shall inspect and verify order accuracy, quality, and price and retain shipping documentation received with the merchandise.

7. Give all related documents to the treasurer's office personnel.

L. After use, District credit cards are to be returned to the Treasurer's Office along with appropriate receipt copies of all charges within the same business day upon completion of any approved use.

M. 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.

N. Employees shall be responsible for any and all unrelated or unsubstantiated purchases and shall be required to make full reimbursement to the District within ten (10) business days.

O. If an employee(s) reimburses the District for an unsupported purchase, it shall be documented in the monthly credit card reconciliation.

P. Upon review and approval, all appropriate documentation shall be forwarded to the treasurer's office personnel.

Q. Upon receipt of the appropriate documentation, credit card expenditures will be paid through the Treasurer's Office.

R. The Accounts Payable Agent will monitor the credit card account(s) and reconcile all credit card accounts on a monthly basis.

© Neola 2022

ag6424

PURCHASING CARDS

6424 - **PURCHASING CARDS**

Card Use

Cardholders shall be authorized by Treasurer/Superintendent and must execute Form 6424 F1 prior to use. All transactions must be made by the individual to whom the card is issued.

Purchasing cards may be used only to purchase school-related items or services. The following is a list of other supplies and services that *may not* be purchased with the purchasing card:

A. alcohol and tobacco;

B. cash advances;

C. gift certificates;

D. travel expenses

E. postage;

F. food purchases at gas stations (unless authorized);

G. telephone calls;

H. medical services;

I. legal services;

J. cell phones; and

K. illegal services such as gambling.

Single item purchases may not exceed the budgeted amount.

Procedures

Purchasing cards may be used to purchase goods or services by phone, mail, in person, or online. Supplies and services must be available immediately for pick-up, shipping, or delivery within the monthly billing cycle. Cardholders should obtain this assurance prior to making orders.

To avoid sales tax, cardholders must inform the vendor of the Board's tax exempt status prior to making the order.

Cardholders may make online purchases from secure sites only.

Cardholders should print an order page when making purchases online, and request confirmation numbers when making purchases by phone.

Cardholders must maintain a transaction log or record describing all items and services purchased during a billing cycle.

Cardholders must retain copies of all original signed receipts, packing slips, etc., and should request itemized receipts for all purchases. It is the responsibility of each cardholder to retain proof-of-purchase documentation and submit it, along with the billing statement, to Treasurers Office personnel, within five (5) days of receiving the billing statement. Lost receipts will not be tolerated. It is the responsibility of the cardholder to obtain a duplicate receipt from the vendor.

The Account payable personnel shall reconcile the cardholder's log, proof of purchase receipts, and the billing statement as soon as the statement arrives from the purchasing card company and before payment is made to the purchasing card company. Prior to payment, discrepancies must be resolved to the satisfaction of the Treasurer.

Disputes

It is the responsibility of the cardholder/accounts payable personnel to contact the vendor to dispute charges or to return items, if necessary. Disputed charges may result from the failure to receive goods or services, fraud or misuse, altered charges, defective merchandise, erroneous amounts, duplicate charges, unprocessed credits,

application of sales tax, etc. Unresolved disputes must be submitted to the Treasurer and accounts payable personnel immediately along with any supporting documentation. In resolving disputes, cardholders must *never* accept cash from the vendor to settle a disputed amount.

Lost or Stolen Cards

Cardholders must immediately report a lost or stolen purchasing card the treasurers office personnel . Failure to report lost or stolen purchases cards shall result in disciplinary action including but not limited to revocation of card privileges.

Responsibilities

Cardholders should keep the purchasing card an accessible, but secure location. Cardholders must not permit or direct others to use the purchasing card.

Cardholders should keep duplicate copies of proof-of-purchase documentation and transaction logs.

Cardholders must use common sense and good judgement when using school resources. This administrative guideline cannot cover every issue, exception, or contingency that may arise during the cardholder's use of the purchasing card.

© Neola 2012

ag6550

TRAVEL PAYMENT AND REIMBURSEMENT

6550 - **TRAVEL PAYMENT AND REIMBURSEMENT**

Reimbursement for approved professional travel will be based on business-related expenses incurred solely by the employee upon submission of a properly completed and approved professional travel reimbursement form.

The Superintendent/designee approves all professional travel reimbursement forms.

If approved in advance, the following are reimbursable upon submission of receipts and documentation:

A. conference registration fees

B. transportation - plane, train or automobile, including buses, taxis and limousines

C. mileage at the Board approved rate (current IRS rate)

D. toll charges and parking

E. lodging (In most instances reimbursement will be limited to the Conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)

F. meals

The maximum per-day/per-meal allowance/stipend (includes a twenty percent (20%) gratuity) for all travel (except for travel to the major cities listed below) is:(unless provided by conference)

Brunch/Breakfast $15.

Lunch $15.

Dinner $25.

The maximum per-day/per-meal allowance/stipend for travel to Atlanta, Boston, Chicago, Los Angeles, Miami, New Orleans, New York, Orlando, Philadelphia, San Diego, or San Francisco (includes a twenty percent (20%) gratuity) is:(unless provided by conference)

Brunch/Breakfast	$20.
Lunch	$20.
Dinner	$35.

Official Conference banquets will be reimbursed at actual cost.

Emergency and/or unanticipated trips involving Board expense(s) may be approved by the Superintendent and/or the Treasurer.

The Board will not pay personal expenses beyond the cost of the convention.

The expenses will be reimbursed within the budgetary appropriation, prior approval is mandatory.

Advance payment may be paid only for the following: conference registration fees, plane and train fares; car rental; meal stipend (receipts not required); and lodging. Cancellation fees will be covered if beyond the employee's control. When advance payments are made, the employee must adequately account for (i.e., substantiate) his/her actual expenses within a reasonable period (i.e., within five (5) days of the expenses being paid or incurred. If the advance payments exceed the employee's actual expenses, she/he must return the excess payment within a reasonable period (i.e., within five (5) days) after the expenses are paid or incurred. Failure to return any excess payment within a reasonable period may result in disciplinary action, and the excess amount shall be reflected as compensation to the employee on his/her annual W-2 form.

In order to substantiate an expense, the employee must provide the Superintendent with a completed professional travel reimbursement form in which she/he describes each expense at or near the time she/he had it, along with documentary evidence (such as receipts, cancelled checks, and/or bills) of the employee's travel or other business-related expense. Documentary evidence must show the amount, date, place, and essential character of the expense. For example, a hotel receipt must contain the following information: name and location of the hotel; dates

the employee stayed there; and separate amounts for charges such as lodging, meals, and telephone calls. Similarly, a restaurant receipt must contain: name and location of the restaurant; number of people served; and date and amount of the expense. If an employee has any questions concerning what constitutes appropriate documentary evidence, she/he should ask the Superintendent.

Actual expenses are approved by the Superintendent for professional and classified staff.

Business related mileage for the District is reimbursable under the following conditions:

A. Requests for reimbursement are to be submitted on the Monthly Mileage Report. The report must be approved by the Department Head or Principal. Parking receipts are required for reimbursement. Incomplete reports will be returned.

B. Mileage will be reimbursed at the Board approved rate.

C. Mileage will be reimbursed during the fiscal year it was incurred. Forms must be submitted to the Treasurers Office within sixty (60) days of travel. All travel during the months of May and June must be submitted by June 30th to be reimbursed within the current fiscal year.

D. Monthly Mileage Reports submitted after the deadlines stated above will not be reimbursed.

© Neola 2013

ag6605

CROWDFUNDING

6605 - CROWDFUNDING

The following procedures must be complied with for all crowdfunding campaigns that are conducted or overseen by Board of Education employees for activities that relate to or are undertaken as a part of their job assignments. These procedures do not apply to crowdfunding campaigns that a staff member may pursue for non District related activities, in which case the employee's affiliation with the District may not be referenced and District resources may not be used. Staff members are prohibited from using the District's or School's name or any identifying features unless the staff member fully complies with the procedures outlined below.

Crowdfunding Platform Approval

The Superintendent shall pre-approve any crowdfunding website or service that a staff member intends to use for a District-affiliated crowdfunding campaign. Such websites must contain terms and conditions that are acceptable to the Board and consistent with Board policy and applicable laws and regulations. In determining whether to approve a specific crowdfunding service, the Superintendent shall take into consideration whether the website specializes in or has special expertise or experience in managing crowdfunding campaigns involving educational institutions. The Superintendent should also consider the amount of fees charged by the service to host/run the crowdfunding campaign, including any penalties associated with the failure of the campaign to reach its established target. For services that have 501(c)(3) designation, the underlying organization must affirm that it files all appropriate reports, including required registrations, with applicable governmental entities in states where donors reside. (xx) Staff members may only use websites/services that send the donated funds and/or purchased items directly to the District/School, and not the staff member.

Applications & Pre-Approval of ContentPrior to beginning a campaign and making the initial posting of the project on an approved crowdfunding site, the staff member must submit and obtain approval of an application to the Principal that includes the following information:

A. A budget for the project that the campaign will be raising the funds or supplies and equipment for, and a description of how the project will be administered. If salaries are included, applicable fringe benefits must also be listed.

B. A copy of any narratives that will be submitted as testimonials or in order to solicit the funds on the website along with any photos that the staff member wants to use on the crowdfunding site. Postings that describe the purpose and rationale for conducting the crowdfunding campaign may not negatively reflect upon the District, its programs and services, or its staff and students. When describing the purpose of the crowdfunding project, staff members are prohibited from identifying specific students and/or their areas of disability or need. Additionally, postings should in no way state or imply that the funds and/or equipment/supplies received through the crowdfunding campaign are necessary in order for students to be appropriately served and educated. Any photos and any information contained in the narratives must

protect student privacy and comply with FERPA.

1. Such authorization must be included with the application.

2. As such, in order for students' names and/or images to be utilized (which is discouraged), the staff member must obtain written authorization from the students' parents/guardians.

3. Postings may not include identifiable student images; staff should limit pictures to empty classrooms, the staff member, and/or photos of students when the students are not identifiable (e.g., the back of their heads or hands).

C. A copy of the biographical information or personal profile that will be utilized by the staff member on the crowdfunding site.

D. Confirmation that the funds raised and/or the items purchased by the crowdfunding site will go directly from the crowdfunding site to the Principal of the school that will be benefitted by the funds/items.

E. A description of any rewards, perks, or thank you gifts that will be provided to donors, including the cost and source of the reward, perk or thank you gift. (x) Students may not participate in the creation/production of rewards, perks or thank you gifts during the school day.

F. If feasible, the staff member shall include in the posting a link to this Board policy/guideline.

The Principal will review the application along with the text that will be utilized in any crowdfunding materials to verify the proposed project and posting (1) will not create any legal liabilities, (2) complies with Board policy and guidelines, and (3) does not violate State and Federal laws and regulations. The Building Principal should pay particular attention to verify the posting does not infringe on student privacy rights and intellectual property laws.

If a Principal identifies an issue that may have legal implications, he/she is required to notify the Superintendent so that the District's legal counsel may be consulted prior to the Building Principal rendering a decision on the proposal or posting.

The Superintendent shall have final decision-making authority on granting permission for a crowdfunding proposal or posting.

Once the project and its materials are approved, the posting may be submitted to the crowdfunding site and the campaign commenced.

When the project is approved, the staff member/sponsor will provide the Superintendent with any information needed for the District to receive donated funds directly from the crowdfunding site. The staff member is

responsible for verifying that the crowdfunding site is a charitable organization (i.e., a 501(c)(3) entity) so that contributions to it are tax-deductible to the donors. If the entity selected is not a 501(c)(3) organization, the staff member must include in the posting a clear statement that donations to the fundraising project are not guaranteed to be tax-deductible and that donors should take individual action, including consulting with a tax professional, to determine their tax obligations and/or consequences of their donation. Under no circumstances will the District issue documentation to donors to the crowdfunding site concerning the tax implications of any donations to the site.

The staff member must keep the Principal informed of the status of the campaign as it progresses and at its conclusion.

The staff member is responsible for then making sure any awards, and/or appropriate recognition are sent to the appropriate donors.

Once the funds or supplies/equipment purchased by the crowdfunding site with the proceeds of the campaign are received, they will be made available to the staff member for the express purpose of fulfilling the stated purpose of the project. The staff member, in conjunction with the Principal, is responsible for making sure any funds received are used for the express purpose for which they were raised; the employee must submit to the Principal documentation of any expenditures of the funds, including any purchases made with those funds. Su All funds raised and materials donated are considered the property of the District and shall remain in the District in the event the staff member who ran the crowdfunding campaign terminates his/her employment with the District.

The staff member must submit a final report on the project to the Principal and Superintendent. Failure to publish a final report will jeopardize the employee's ability to engage in crowdfunding in the future. ( ) A copy of the report may be sent to the donors via email and the results of the campaign on the crowdfunding site may be posted if approved by the Principal.

A staff member who violates this policy/guideline is subject to disciplinary action.

The preceding guidelines also apply to parents, District-affiliated organizations (e.g., PTA/PTO, Athletic/Band Booster Groups) and/or students who wish to raise funds for a specific classroom, school, or school activity through a crowdfunding campaign.

© Neola 2016

ag6610

STUDENT ACTIVITY FUNDS

6610 - **STUDENT ACTIVITY FUNDS**

A. **Collection and Deposit of Cash**

All money collected from any source should be substantiated by prenumbered student activity group receipts, cash registers supplying cumulative readings, prenumbered tickets or other auditable, checkable records. In all cases, where tickets are used, ticket reports and unsold tickets must be available for audit. The audit trail is most important. Where it is not practicable to collect the cash in a central office, collections from various classes may be collected by cashiers and turned into the main building office within twenty-four (24) hours.

If cash registers are used for the collection of monies, the following conditions shall apply:

1. registers are sealed without resettable totals

2. total reconciles with the sales

3. tickets or tapes supporting "over-rings" are retained

4. all voids or adjustments are approved

B. **Financial Forms**

1. should be prenumbered

2. perpetual inventory should be maintained on prenumbered collection forms, receipts, tickets, etc.

3. prenumbered forms should not be printed in the school printing department

4. sponsor should keep records of collections, by source

5. no collection should be turned over to cashier without receiving a prenumbered receipt

C. **Disbursements**

All disbursements shall be made by check (warrant), prepared by the Treasurer, supported by a proper, approved requisition and purchase order, and verified by a receiving invoice. They also should be verified for accuracy of price extensions and totals.

D. **Purchase Order Process**

The purchasing procedure and the payment of claims procedure described in AG 6320A shall be used for all purchases from student activity funds.

E. **Auditing**

The State Department of Education requires an annual audit of student activity funds. The State Auditor recommends that at the end of each school year, an internal audit be conducted in order to verify compliance with Board policies, receipts, expenditures, cash on hand, petty cash, and to balance all ledgers and journals with the depository. A copy of this audit should be on file in both the Treasurer's and Superintendent's Office. All organizational records and internal audit working papers should also be retained in the Treasurer's Office so that they may be audited.

Each activity fund established under Section 3315.062, Revised Code, will be audited at the same time the examination of the records and accounts of the District is made or at such other time as needed or as requested by the Board. The audit shall include a determination as to whether legal requirements, including those imposed by the Board, are being followed.

F. **Management of Funds**

1. **Fund 200**

   The Fund 200 consists of those student activity programs which have student participation in the activity and have students involved in the management of the program. This includes those student activities which consist of a student body, student president, student treasurer, and faculty advisor. The Fund 200 is a fiduciary fund-type trust fund classification.

2. **Fund 300**

   The Fund 300 consists of those programs which have student participation in the activity but do not have student management of the programs. This would usually include athletic programs but could also include the band, cheerleaders, flag corps, and other similar types of activities. The primary criterion for determining how funds are classified is "who determines how the money is spent?" The Fund 300 is a governmental fund-type special revenue classification.(see Form 6610 F1)

G. **Establishment and Maintenance of Student Activity Funds**

In compliance with the laws of the State for the establishment and maintenance of a student activity fund the following regulations shall govern each such District fund:

1. The gross amount of monies received and paid out in connection with student activity funds subsidized by the Board shall be recorded through the general Board accounts.

2. Each student activity organization or group which has financial transactions involving $50 or more shall establish an account on the District records in which it shall record its transactions.

3. Advisors or sponsors shall be selected at the direction of the Board and their duties shall consist of preparing the annual budget and purpose clause of their activity group, supervising the activities of

their group including preparation of fund-raising potentials, maintaining group financial oversight, and such other duties as assigned by the principal or Superintendent.

4. Student-activity funds shall not be used for any purpose which represents an accommodation, loan, or credit to Board employees or other persons. Postdated checks may not be accepted and checks may not be cashed for anyone.

5. Board employees or others may not make purchases through a student body in order to take personal advantage of student-body purchasing privileges.

6. No student-activity organization shall be obligated for purchases made by students, faculty, and/or others unless supported by a written purchase order signed by the Superintendent/Treasurer.

7. Examples of expenditures which are prohibited are:

    a. salaries for services which are the responsibility of the District or for District assignments;

    b. all items for personal use;

    c. installment and/or lease purchases.

8. If a student group wishes to make a contribution from its activity fund to a charitable organization or to an individual with a demonstrated health, economic, or emergency need, it should submit the request to the Treasurer stipulating the amount of the donation along with an explanation of how the donation relates to the groups stated goals.

9. Monthly and annual financial reports of all student-activity funds are to be prepared by the Treasurer. A copy of such reports shall also be sent to the sponsor of each activity.

10. Fund-raising projects for any student activity shall, in general, contribute to the educational experience of students and shall not conflict, but add to, the instructional program.

11. All sales projects or programs must be approved by the principal and the Superintendent/Treasurer prior to the sale or event.

12. All sources of revenue must be approved by the Treasurer/superintendent, on behalf of the Board, and shall be included in the student-activity group's current-year budget. Receipts and expenditures must be coded by USAS Classification.

13. Records shall be maintained of the receipt and disbursement of all such monies in accounts according to the activity involved.

14. Disbursements shall be made by check only upon the request of a staff advisor and the approval of the Treasurer.

15. No purchase may be made unless there is sufficient cash in the fund to pay for that purchase, plus outstanding orders. Where insufficient funds exist, a request for transfer from the General Fund may be made to the Board of Education.

16. All funds should be of an exchange nature and large balances should not be permitted to accumulate. Money should not be raised or collected unless there is a definite purpose for doing so.

17. Installment and lease purchases are prohibited.

18. All funds accumulated in the name of a specific class or discontinued activity will remain in the custody of the district and any residual funds shall remain in the account for use by future classes.

19. All monies collected should be deposited with the Treasurer or in a designated depository within twenty-four (24) hours of collection or the next business day following the last business day of that week.

20. Funds collected through the principal's office will be processed through the fund of selection

21. Payments from a student-activity fund to an employee are subject to standard payroll deductions.

22. All expenditures from a student-activity fund shall be in accordance with the approved budget. Authorization for an expenditure must be accompanied by an approved requisition processed by a formal purchase order, and certified by the Student activity advisor/Principal that funds are available for the expenditure.

H. **Establishment and Maintenance of Athletic Funds (Student Activity Funds)**

1. The Athletic/Activity Director shall be responsible for the approval of requisitions for expenditures of funds.

2. Purchase orders for goods and services purchased through the athletic fund will be approved by the Treasurer/Superintendent.

3. No athletic fund organization shall be obligated for the purchases made by students, faculty, and others, unless such purchase is supported by a written purchase order signed by the Treasurer/Superintendent.

4. Disbursements from the athletic fund will be made by check and approved by Athletic/Activity Director after procedures are followed to obtain a purchase order number.

5. At the conclusion of each athletic program, the Athletic/Activity Director with the cooperation of the Administrative Assistant shall, submit an inventory of all equipment and supplies to the Superintendent/Treasurer.

6. Outside Athletic groups shall annually submit prior to the start of the school year a statement of projected revenues and expenditures which also includes starting balances.

7. All athletic fund-raising activities shall be approved by the Building Principal and Athletic/Activity Director after discussion with the Superintendent.

© Neola 2012

ag6620

PETTY CASH FUNDS

6620 - **PETTY CASH FUNDS**

The following guidelines are to govern the use and control of petty cash funds:

A. Petty cash may be used to pay for materials, supplies, and expenses that are needed immediately, considered to be usual and legitimate expenses of the District, and involve less than $10.00 for any one (1) item.

B. A "Petty Cash Report" (Form 6620 F1) is to be completed, signed by fund custodian, and filed with the Treasurer/Accounts Payable agent when the fund needs to be replenished.

ag6700

FAIR LABOR STANDARDS ACT (FLSA)

6700 - **FAIR LABOR STANDARDS ACT (FLSA)**

The Fair Labor Standards Act (FLSA) requires the Board of Education to pay covered, non-exempt employees no less than the minimum wage required by the FLSA. This rate will be automatically adjusted annually based on the U.S. Consumer Price Index. In addition, covered, non-exempt employees are entitled to premium pay of not less than one and one-half (1-1/2) times the employee's regular rate of pay for all hours the employee works in excess of forty (40) hours in a work week. The regular rate of pay includes all remuneration for employment paid to an employee, including base pay, longevity pay, bonuses, and shift differentials. Hours worked shall include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is allowed/permitted to work. This includes any bona fide work that the employee performs on or away from the premises if the employee's immediate supervisor knows or has reason to believe the work is being performed. The District recognizes that the FLSA does not permit averaging of hours over two (2) or more work weeks.

For covered, non-exempt employees who are currently paid on an annual salary basis, their salaries must be divided by the hours the employees actually work in a given work week to verify the employees are receiving at least the minimum wage required by the FLSA.

Where a covered, non-exempt employee, in a single work week, works at two (2) or more different types of work for which different straight-time rates have been established, the regular rate for that week is the weighted average of such rates, i.e. the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.

Meal Periods

A bona fide meal period of thirty (30) minutes or more that occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal unless otherwise specified in an applicable collective bargaining agreement.

Leave Status

Time spent in paid leave status is not considered hours worked unless otherwise specified in an applicable collective bargaining agreement.

FLSA Posting

Administrators and supervisors are directed to verify that the official FLSA poster is displayed in all work locations (i.e., in locations where covered, non-exempt employees can view it on a regular basis).

Recordkeeping Requirements

It shall be the responsibility of all covered, non-exempt employees to record and submit an accurate account of their time worked each week on approved forms or via electronic or machine timecards. An employee's misrepresentation or failure to submit an accurate account of the employee's time worked may subject the employee to discipline up to and including termination.

Non-exempt employee time records shall be verified by a supervisor who has personal knowledge of the hours worked by the employee. It shall be a violation of this guideline for a supervisor to ask a non-exempt employee to record fewer hours than were actually worked by the employee.

The District will maintain the following records for all covered, non-exempt employees:

A. employee's full name, Social Security Number, home address (including zip code), occupation, sex, DOB (if under nineteen (19) years of age)

B. time and day of week when employee's work week begins

C. total hours worked each work day and each work week

D. basis on which employee's wages are paid (e.g., $8.00 an hour, $320.00 a week)

E. regular hourly pay rate

F. total daily and weekly straight-time earnings

G. total overtime earnings for the work week

H. all additions to and/or deductions from the employee's wages

I. total wages paid each pay period

J. date of payment and the pay period covered by the payment

Payroll records will be maintained for at least three (3) years, and time cards and wage computation records (including work and time schedules) will be maintained for at least two (2) years.

Volunteers

The FLSA requires that non-exempt employees must be compensated for all hours they are required or permitted to work. Consequently, even if an employee volunteers to work beyond the employee's normally scheduled hours, the Board will still compensate the employee for those hours worked. An individual is considered to be a volunteer only if the following conditions are met:

A. Services are performed for which no compensation is received beyond expenses or a nominal fee.

B. Services rendered are not the same type of services that the individual is employed to perform for the Board.

Example:

A custodial employee who wishes to volunteer as an athletic coach would not be considered an employee while volunteering and therefore not entitled to compensation for the efforts as a coach. If, however, the employee is compensated (i.e., pursuant to a supplemental contract), the employee's hours as a coach would need to be included in the calculation of all hours worked in a given work week, and the employee would be entitled to at least minimum wage for the supplemental duties, as well as overtime for any hours worked beyond forty (40) in a given work week for the Board.

Reasonable Break Time for Nursing Mothers

The Board supports the decision of staff members to breastfeed their infants. Employees who are eligible will be provided with additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on District premises in accordance with Federal law as summarized in Board Policy 6700.

Additional Information Concerning the FLSA

Additional information concerning the FLSA can be found at the Department of Labor's website (www.dol.gov).

© Neola 2023

ag7230

PUBLIC GIFTS TO THE DISTRICT

7230 - **PUBLIC GIFTS TO THE DISTRICT**

Gifts or donations presented to the District must be accompanied by a letter from the donor for official action and recognition by the Board of Education. (see Form 7230 F1)

To be acceptable, a gift or donation must have a purpose consistent with those of the District, be offered by a donor acceptable to the Board, and become District property.

In addition, a gift or donation must not:

A. begin a program which the Board would be unwilling to take over when gift and grant funds are exhausted;

B. bring undesirable or hidden costs to the District;

C. place restrictions on the District;

D. be inappropriate or harmful to the educational program of the District or to students;

E. imply endorsement of any business or product;

F. be in conflict with any provision of the General School Laws or public laws.

G. A letter of appreciation, signed by the Superintendent/designee, shall be sent to the donor, including the estimated value of the gift.

ag7310

DISPOSAL OF NONFIXED-ASSET PROPERTY

7310 - **DISPOSAL OF NONFIXED-ASSET PROPERTY**

The person in charge of each facility or program shall be responsible for the identification of nonfixed-asset property which is no longer needed for the proper operation of the District. Each is to develop a plan for the proper disposal of such obsolete property.

The plan shall be submitted to the Superintendent who shall approve or disapprove the plan.

ag7311

SALE OF CONTRUCTED FACILITIES

7311 - **SALE OF CONTRUCTED FACILITIES**

A. When houses or other facilities, constructed by students in District programs, are ready for sale, the Board shall adopt a resolution to sell the facility.

B. The housing shall be appraised by a licensed appraiser.

C. The housing shall be either advertised in the local newspaper or listed with a local realtor who is a member of the Trumbull County Real Estate Board.

D. Offers to purchase are to meet the following conditions:

1. Offers to Purchase are to be submitted to the Treasurer, accompanied by a certified check in the amount as determined by Treasurer, which check will be returned to unsuccessful purchaser.

2. Offers to Purchase documents must indicate the method of financing.

3. The District reserves the right to reject any or all Offers to Purchase.

E. The Treasurer shall review each offer for the Board to ensure it complies with the guidelines established by the Board in its sale resolution.

F. All legal documents relating to the sale of the housing shall be reviewed by an attorney of the District.

G. Recommendations are to be submitted to the Board, and upon approval of the sale, the Superintendent/Treaurer shall complete the transaction.

ag7420E

INTEGRATED PEST MANAGEMENT

7420E - **INTEGRATED PEST MANAGEMENT**

These Integrated Pest Management (IPM) procedures are designed to prevent pest problems, to identify and control pests in and around school facilities, and to reduce the exposure of students, parents, and staff to pests and pesticides. The Maintenance Supervisor shall be responsible for pest management.

The District shall employ preventive measures such as proper sanitation, clutter reduction, and exclusion of pests. The District shall practice non-chemical pest control measures (e.g. sanitation, screening, physical barriers, vacuuming, mulching, irrigation, fertilization, manual weeding, insect nest removal, pest-resistant plant selection). Pesticides will be used when appropriate, along with other management practices or when other pest prevention and non-chemical control measures have failed to reduce pests. When a pesticide must be used, the District will use smallest amount of the reduced-risk product that will meet the pest management goals.

Identification, Prevention, and Monitoring

Pest management shall include regular inspections and monitoring of each school building. Building inspections shall consist of regular monitoring of all areas of use including entrances, food/water storage sites, and restrooms for signs of pest activity. Pest complaints reported by students, staff, parents and community members shall be reported to the Principal for prompt response. The origin of a pest problem (such as food crumbs, cracks in walls, etc.) shall be determined and remedied. The type of pest shall be identified in order to determine the appropriate response strategy. If nontoxic methods fail or are impractical, the least toxic pesticide that is effective and approved application techniques that minimize exposure shall be utilized. Only trained and qualified workers shall handle and apply pesticides.

Facility management shall include:

A. sealing and repairing cracks and holes that allow access to the inside of buildings;

B. moving trash receptacles away from the building;

C. installing effective door sweeps and window screens where appropriate;

D. exterior doors shall not be propped open except in the case of emergency use;

E. inspect deliveries for the presence of pests and remove cardboard boxes promptly.

Education and Training

The District's Hygienic Management policy shall be reviewed periodically and shall be made available to school staff, parents, and students. Students and staff shall be educated about potential school pest problems and encouraged to avoid such behaviors that contribute to pest problems as food in classrooms, gum under desks, paper clutter, etc. Students and staff shall be included in pest monitoring activities.

Chemical Use

"Least-toxic pesticides" are those that are effective against the target pest, have a low acute and chronic toxicity to mammals, biodegrade rapidly, kill a narrow range to target pests, and have little or no impact on nontarget organisms. These include such materials as: pheromones and other attractants; insect growth regulators; repellants; desiccating dusts; pesticidal soaps and oils; and some botanical pesticides.

When it is determined that pesticide is to be used, the following criteria shall be used in selecting the least-toxic pesticide for use: safety, species specificity; effectiveness; endurance; speed; repellency; and cost. The application of pesticides is subject to the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq., Environmental Protection Agency (EPA) regulations, and State and local regulations.)

Records of pesticide use shall be maintained on site and in the District office. Notices of upcoming pesticide treatments shall be posted in designated areas at school and sent home to parents who wish to be informed in advance of pesticide applications.

Pesticide purchases will be limited to the amount authorized for use during the year or for the specific application. Pesticides will be stored and disposed of in accordance with the EPA-registered label directions and State regulations. Pesticides shall be stored in an appropriate, secure site not accessible to students or unauthorized personnel.

ag7420F

HAND WASHING PROTOCOL

7420F - **HAND WASHING PROTOCOL**

Hand washing and personal hygiene are important measures for use to prevent illness and communicable disease. Hand washing with soap and warm water for a minimum of twenty (20) seconds, paying close attention to the surfaces between the fingers and on the back of the hands, is best for removing dirt and germs. The proper use of hand sanitizers is also useful in controlling the spread of germs.

Students and staff should wash their hands with soap and water:

A. after using the rest room;

B. before and after eating;

C. if hands are visibly soiled;

D. upon encounter with chemicals or other items, such as soil, in a science lab, art room, career/tech facility or other activity that may soil hands;

E. upon encounter with chemicals during cleaning processes;

F. after cleaning animal habitats, and before and after handling animals;

G. before and after food preparation activities in family science or other integrated class;

H. after athletic practices and games;

I. upon encounter with bodily fluids (e.g. blood, nasal discharge, mucous from coughing, etc.);

J. after recess;

K. after sneezing or coughing.

When soap and water are not available and hands are not visibly soiled waterless disposable hand wipes or gel sanitizers may be used in place of hand washing, however, not all sanitizers are effective.

Proper education in hand washing and hand hygiene shall be provided and good hand washing habits shall be encouraged.

ag7420G

DANGEROUS OR RECALLED PRODUCTS

7420G - **DANGEROUS OR RECALLED PRODUCTS**

The Maintenance Supervisor shall provide for the inspection of each school building for dangerous products and conditions as listed and provided by the Board of Health. Appropriate action shall be taken if a dangerous product or condition is found. If such items are found within the school facility, their presence and any action(s) that will be or have been taken to remove or remediate the hazard shall be documented. Such documentation shall be in compliance with the Administrative Code and shall be retained for verification by Board of Health inspectors.

Such identified dangerous products and conditions found on school grounds or within school buildings shall be abated or controlled promptly and within a period not to exceed thirty (30) days of receipt of the Board of Health transmittal. If abatement is not immediately possible, the hazard shall be sufficiently controlled to reduce the risk of illness or injury.

The Superintendent shall provide the necessary communications and transmittals to the Board of Health.

ag7420H

RADON TESTING

7420H - **TADON TESTING**

Each school building shall provide the necessary radon rule or protocol in accordance with Section 3701-54-09 of the Ohio Administrative Code. Each school shall be certified as radon resistant (as built) or will be tested for radon at least every five (5) years.

The District's quality assurance project plan shall indicate how testing will be conducted, who is responsible for the testing, testing frequency, retention of records, and how compliance measures shall be implemented and tracked.

Radon testing and any necessary mitigation processes shall be in accordance with the provisions of Environmental Protection Agency (EPA) rules and the requirements of State law.

ag7420I

SAFE DRINKING WATER

7420I - **SAFE DRINKING WATER**

Each school building shall provide the necessary safe drinking water protocol for testing and any necessary action in accordance with the Ohio Administrative Code.

The Maintenance Supervisor shall cooperate with the Board of Health to identify potential hazards to drinking water, to monitor school drinking water for elevated levels of lead, and to remediate such conditions if found.

If required, water testing and any necessary remediation actions, such as flushing the plumbing system, shall be in accordance with the guidelines established by the Environmental Protection Agency (EPA) and the requirements of State law.

ag7420

HYGIENIC MANAGEMENT

7420 - **HYGIENIC MANAGEMENT**

The District's program of hygienic management is intended to safeguard the health and safety of building occupants. These guidelines shall establish a consistent application of inspection, abatement, and reporting standards and procedures.

The scope of these guidelines shall include regularly-scheduled inspections of school buildings, facilities, and associated grounds to identify/correct potential hazardous conditions. The inspection shall include a review of documentation of the school's health and safety procedures, documentation of abatement plans, and the report of implementation efforts.

The school principal shall cooperate with the Board of Health in the conduct of school inspections by providing:

A. access to the school building and grounds for the inspection during the school's operation during regular school hours;

B. a record of inspections of the school and grounds for dangerous and recalled products that have been identified by the Board of Health;

C. records and pertinent information as may be requested by the Board of Health which are necessary to the assessment of the health and safety conditions of the school.

A school representative shall be assigned to accompany the Board of Health sanitarian during the course of the inspection.

The principal shall provide for the inspection of the school building and grounds, on at least a quarterly basis, for dangerous products and conditions as prescribed by the Board of Health. Appropriate action shall be taken to abate dangerous products or conditions found to exist. The principal shall document compliance with this guideline and shall report inspection results and all actions necessary with the Superintendent, for verification by the inspector from the Board of Health. The District shall coordinate all communications and transmittals with the Board of Health.

The principal shall be responsible for the completion of the quarterly inspections and documentation required. Items identified as dangerous conditions and/or products found on school grounds or within the school building

shall be abated or controlled promptly within a period not to exceed thirty (30) days of the identification. If abatement is not immediately possible, the hazard shall be sufficiently controlled to reduce the risk of illness or injury.

Transmittals that have been received or completed since the last inspection shall be provided to the Board of Health sanitarian at the time of each inspection. For the purpose of receiving copies of the inspection report, the principal shall provide the Board of Health sanitarian the contact names and addresses for the following:

A. the school principal, chief administrator, or governing authority of the school building;

B. the administrator responsible for facility operations and maintenance on behalf of the School District;

C. the District Superintendent and Board of Education.

For each inspection report submitted by the Board of Health, the principal shall develop and submit a written plan for abatement of conditions identified by the inspection report. The plan of abatement shall be submitted to the Board of Health within sixty (60) days of receipt of the inspection report, or as may be extended by the Board of Health. The principal shall provide written notification to the Board of Health when the prescribed abatement has been completed.

ag7430

RISK REDUCTION PROGRAM

7430 - **RISK REDUCTION PROGRAM**

The desired outcomes of the District's safety program are:

A. regularly-scheduled inspections of building and grounds to identify/correct potential hazardous conditions;

B. quality tools, implements, machines, and vehicles that meet safety standards in normal usage;

C. equipment that is in compliance with State safety standards in all respects;

D. regularly-scheduled equipment servicing and maintenance to ensure safe and efficient operation;

E. provision of approved protective devices to minimize personal injuries.

Responsibility

The Maintenance Supervisor shall be responsible for compliance with the Public Employment Risk Reduction Program (PERRP) and for maintaining communication with the Division of Safety and Hygiene (614-575-1190) and the Division of Occupational Safety and Health (Ohio OSHA). Each principal is to assist by developing and administering such measures and practices as are necessary to adequately monitor safety conditions in the school and to prevent accidents.

A. **Hazard Inspection**

A hazard inspection of all areas in which employees work or participate (See Form 7410 F4). If a hazard is identified, the Maintenance Supervisor shall select the appropriate Personal Protection Equipment (PPE) for the employee, communicate the selection to the employee, and ensure the employee wears the PPE after receiving the proper instruction. (See Form 7430 F4).

B. **Fire and Tornado (see AG 8420 and AG 8420A)**

1. Fire drills are to be conducted monthly.

2. Fire exits are to be inspected daily to ensure each is ready for prompt and orderly egress.

3. Fire extinguishers are to be inspected annually and tagged when inspected. The Maintenance Supervisor shall be notified when fire extinguishers have been discharged and need to be recharged or replaced.

4. The systems for giving fire and tornado alarms are to be checked at least yearly to ensure that each is functioning properly.

C. **Protective Devices and/or Clothing**

1. Personal Protective Equipment (PPE's) shall be used by all students, teachers, and visitors when participating in or observing courses involving the use of hazardous substances and/or participating in activities in which there is a reasonably-foreseeable exposure to bodily fluids.

2. For purposes of these guidelines hazardous substances are those likely to cause physical injury to the eye, face, head, foot, or hand. This includes materials which are flammable, toxic, or corrosive to living tissue, irritating, strongly sensitizing, radioactive, or those which generate pressure through heat, decomposition, or other means.

3. Activities requiring protective devices and/or clothing include:

   a. milling, sawing, turning, shaping, cutting, grinding, or stamping any solid material;

   b. heat treating, tempering, or kiln firing of any metal or material;

   c. gas or electric arc welding;

   d. working with hot liquids, solids or chemicals which are flammable, toxic, corrosive to living tissue, irritating, sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means;

   e. other activities identified in the hazard assessment. (see Form 7410 F4)

D. **Respirator Safety**

The Maintenance Supervisor shall be responsible for selecting any respirators (including dust masks) that may be used by maintenance personnel or as part of an instructional program. S/He will also develop and implement a written program on their proper use and maintenance, in accordance with OSHA rules (1910.132-134).

Prior to any use, each staff member and student who may be using a respirator must receive training on the proper use and limitations of a respirator and on the proper methods for fit testing, cleaning, and maintenance of the respirator. Upon completion of the training, the person is to complete Form 7430 F2.

No staff member or student is to use any respirator unless a physician has completed Form 7430 F1 which confirms that the person has no physical condition that would be affected by the use of a respirator. This form must be completed annually, reviewed by the supervisor of the staff member or student using the

respirator, and filed in the staff member's or student's personal file along with Form 7430 F2 and Form 7430 F3, if a student.

The Maintenance Supervisor shall be responsible for periodic inspections of the area(s) while respirators are being used in the area(s) to ensure that only certified respirators are being used and are being used and maintained properly.

E. **Safety Education**

1. Tools and equipment shall be used for instructional purposes only, and the teacher shall be fully responsible for ensuring that each is used safely and is kept in proper working order, including any safety features.

2. Applicable courses of study shall include instruction in accident and fire prevention and in safety education.

3. All personnel who are required to use Personal Protective Equipment (PPE) will be properly trained so they can confirm they understand how to wear, use, maintain, and dispose of the PPE. Each employee must complete Form 7430 F4 prior to completion of the training. Such training shall be provided upon employment or at the beginning of the school year prior to the employee being exposed to the hazard.

4. The goals of the District safety program for students shall be that each has developed:

   a. a positive attitude toward maintaining good personal health and well-being;

   b. knowledge in the proper use of tools and machinery;

   c. an awareness of potential safety hazards in structures, equipment, and use of tools and equipment;

   d. pride in practicing safe workmanship;

   e. a work ethic that includes a willingness to assist in preventing hazards to self and co-workers;

   f. a commitment to maintaining a healthy, productive work environment.

© Neola 2012

ag7440

FACILITY SECURITY

7440 - **FACILITY SECURITY**

A. **Security**

In order to be properly protected against theft:

1. staff members are expected to obtain room, desk, and closet keys from the school office at the beginning of the school term;
2. no money or valuables are to be left in the room;
3. at **no time** shall students be given keys for their use;
4. staff members **must** keep possession of their keys;
5. staff members should secure valuables at all times;
6. classroom doors should be kept locked when the classroom is empty;
7. prior to leaving school each day, staff members must close windows and lock doors to their rooms;
8. staff members are responsible for the equipment and supplies in their classrooms or offices. Should any items "disappear," the Principal must be notified immediately.

B. **Central Alarm System**

Each staff member shall be provided the appropriate entry and exit procedures when s/he receives authorization to enter District facilities when the facilities are closed.

ag7440C

IDENTIFICATION BADGES

7440C - **IDENTIFICATION BADGES**

The purpose of this procedure is to protect students and staff by issuing District identification badges to identified personnel and to require the display of badges by personnel/volunteers at all times when on duty. Failure to do so may result in discipline. The identification badge must be visibly displayed on a lanyard or a clip on the person's front between the neck and the waist. The District identification badges will serve as an instant identification system for security purposes and will assist students, parents, employees, and visitors in identifying personnel or approved volunteers.

The initial badge is provided by the District at no cost to the employee or volunteer. Any staff member/volunteer desiring a second identification badge or needing to replace the original identification badge will be required to purchase the badge through the District. At the cessation of employment with the District identification badges, keys, and other similar items that provide access to District facilities or technology are to be returned to the District.

This procedure provides guidelines for the regulation and management of photo identification badges as a means of enhancing service to students, citizens, and visitors as well as establishing a safer school and work environment.

Assignment of Identification Badges

Identification badges are required for all District employees, vendors, contractors, interns, and select volunteers including:

A. all District employees;

B. student teachers, interns, practicum students, or other persons participating in an approved field experience and persons participating in a short-term experience as a teacher assistant;

C. all instructional and noninstructional personnel who are contracted to fill positions that provide vendors and services requiring direct contact with students; and

Identification badges are the property of the District and may be revoked by the District at any time.

Photo identification badges will be created after the application process when the individual is hired for employment or approved for internship or volunteer positions and is pending background check clearance.

Photo identification badges will be created at the Board office.

Use of Identification Badges

The District photo identification badges will:

A. identify the individual by name;

B. identify the school or administrative site;

C. indicate the status of the individual, such as employee, volunteer, mentor, intern, contractor, subcontractor, or vendor; and

D. confirm that the individual has cleared the appropriate level of background check.

Individuals who are issued an identification badge are prohibited from allowing anyone else to use their badge either to enter secured school grounds or to use at any time while on school grounds, and may not permit anyone to follow behind them once an entry has been accessed/unlocked with a badge.

Display of Identification Badges

All select volunteers, mentors, vendors, contractual personnel, and interns must wear the District identification badge in plain sight at all times when on duty.

All District personnel employed at a school site must wear the District identification badge in plain sight at all times when students are present.

District personnel employed at the District office or at a site where students are not present may opt not to wear the District identification badge as determined by the supervisor. The photo identification badge must be maintained at the employee's workstation available for immediate display.

Lost or Stolen Identification Badges

A lost or stolen identification badge must be reported to the individual's direct supervisor immediately.

Employees who lose their photo identification badge will be charged $3.00 for the cost of each replacement.

Termination of Employment and Identification Badges

When an employee's employment with the District is terminated, the photo identification badge must be retrieved from the employee on the last day of employment and returned.

Visitors

All visitors will report to the office.

Each school shall establish a check-in/check-out procedure for visitors.

© Neola 2023

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

7440.01 - **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

Purpose and Scope

This guideline governs the implementation of video surveillance and electronic monitoring systems on school property, and in school buildings and school buses. This guideline also addresses staff members' use of portable video cameras on school property for security purposes.

Board Policy 7440.01 and this guideline do not apply to District and parentally-created video recordings of school events (e.g., plays, music performances, athletic contests, graduation, Board meetings), video recordings used for instructional purposes and made with the consent of all parties recorded, video recordings made of individual teachers for the purpose of improving classroom instruction, or surveillance (covert or otherwise) undertaken by law enforcement officers.

Definitions:

A. **Covert Surveillance** - surveillance conducted by means of hidden devices, without notice to the individuals being monitored.

B. **Personally Identifiable Information** - all information about a student other than directory information, which is defined in R.C. 3319.321(B)(1).

C. **Video Recording** - a 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) from a video surveillance/electronic monitoring system.

D. **Video Surveillance/Electronic Monitoring System** - a video, physical, or other mechanical, electronic or digital surveillance/electronic monitoring system or device that is permanently installed and enables continuous or periodic video recording, observing or monitoring of individuals on school premises, and in school buildings and school buses.

E. **Portable Video Cameras** - portable video cameras that may be carried by an individual and/or body-worn video cameras.

Approval

Before a video surveillance/electronic monitoring system is installed in a school building or on school premises, the building director must provide to the Superintendent a report describing the circumstances that indicate the necessity of having surveillance at the site (e.g., the safety and property concerns). The report should outline the less intrusive/invasive means that have been considered and the reason why they are not effective. The report should also identify proposed locations of the video surveillance/electronic monitoring equipment and whether portable video cameras will be used.

Placement of Video Surveillance/Electronic Monitoring Equipment

The building director, subject to review by the Superintendent, is responsible for authorizing the locations where video surveillance/electronic monitoring equipment is installed and operated. The building director must approve any changes in the locations of the equipment.

Video surveillance/electronic monitoring equipment may not ordinarily be used inside a classroom, laboratory, or other area utilized as a classroom or study space. Absent extraordinary circumstances, video surveillance/electronic monitoring equipment may not be operated in areas where there is a reasonable expectation of privacy by staff or students and where appropriate confidential or private activities/functions are routinely carried out (e.g., rest rooms, locker rooms, private offices, conference/meeting rooms, and/or staff lounges.) Any exception to this rule must first be authorized by the Superintendent on grounds that no other supervision option is feasible and that the need is pressing and outweighs the privacy interest of the students or other persons likely to be observed. Surveillance of such locations may not be authorized on an ongoing basis.

Video surveillance/electronic monitoring equipment must be installed in a way that it only monitors those spaces that have been identified as requiring video surveillance - i.e., video cameras should not be directed to look through the windows of adjacent buildings, or onto adjacent property. Viewing areas off-campus, into neighboring property, into vehicles, or into any other areas where there is a reasonable expectation of privacy is prohibited. Absent express written authorization from the Superintendent, no sound is to be monitored or recorded in connection with the video surveillance/electronic monitoring system.

Security staff are authorized to use body-worn video cameras while on duty, but are prohibited from operating them while routinely patrolling restrooms and locker rooms, unless the staff member is responding to a specific incident.

Notice of Surveillance

Parents will be informed whenever a school decides to install video surveillance/electronic monitoring systems.

Students, faculty, and staff must be informed at the beginning of each year that the school is using video surveillance/electronic monitoring equipment to observe, monitor and/or record the behavior and activity of all persons on school property or grounds, or participating in school functions.

Each building or area in which video surveillance/electronic monitoring system is occurring shall have clearly written signs posted at conspicuous locations informing persons that the buildings and grounds may be under video surveillance. Signs shall be conspicuous enough in size so that a reasonable person would be able to view the contents of the sign and have reasonable and adequate warning that surveillance is, or may be, in operation. The signs must provide contact information of the building director or a designated staff person who is responsible for answering questions about the video surveillance/electronic monitoring system. Any exception to the Notice requirement, such as for a time-limited specific investigation into criminal conduct, must be authorized by the Superintendent on the grounds that covert surveillance is essential to the success of the investigation and the need outweighs the privacy interests of the persons likely to be observed. Covert surveillance may not be authorized on an ongoing basis.

Operation of Video Surveillance/Electronic Monitoring Equipment

Video surveillance/electronic monitoring equipment may be used to monitor and/or record behavior and activity of all persons on school property or grounds.

Although constant, real-time monitoring may not always be possible, it is expected that video images will be monitored on a scheduled basis.

Real-time viewing shall be limited to the building director or his/her designees (e.g., security personnel, other administrators, and secretarial staff responsible for providing visitors with access to the building). Under certain circumstances, the building director or Superintendent may contact local law enforcement to view the District's real-time video surveillance/electronic monitoring feeds. Circumstances warranting a review should be limited to instances where an incident is reported/observed or to investigate a potential crime or violation of Board Policy or the Student Code of Conduct.

If information is not viewed for law enforcement, school or public safety purpose - it should be routinely erased according to a standard schedule (i.e., they will be maintained for a period of seven (7) calendar days). If information is viewed for law enforcement, school or public safety purposes, it must be retained for a minimum of one (1) year. Prior to destruction of it, the building director should contact the Superintendent and/or Board Counsel.

Each building director is responsible for the proper implementation and control of video surveillance/electronic monitoring system installed and operating in his/her building and premises. A periodic audit by the building director of random images from the video surveillance/electronic monitoring system shall be conducted to verify

that the equipment is operating properly and has not been blocked, moved or altered and that the images captured by the system are not inclusive of areas prohibited by this guideline or Board policy.

Only a designated employee or agent of the Board can install and operate video surveillance/electronic monitoring equipment. Building directors who have video surveillance/electronic monitoring equipment installed and operated on their campuses are responsible for adhering to a strict maintenance program - including image refocusing and lens cleaning.

Use of Video Recordings

Information obtained through video surveillance/electronic monitoring shall be used exclusively for the purpose set out in policy - i.e., to enhance security for students, staff and visitors, and to assist in the detection and deterrence of criminal activity (theft/vandalism) and/or violations of Board policy or the Student Code of Conduct. Video recordings may be used by the Board/administration as evidence in any legal or disciplinary actions, and for inquiries and proceedings related to law enforcement. The video surveillance system/electronic monitoring will not ordinarily be used to monitor staff performance, but any evidence unintentionally obtained through its general use may be used in internal employment or labor-related investigations. Information shall not be retained or used for purposes other than those sanctioned by Board policy.

Any remote monitoring system must protect the integrity of the video surveillance system and include a system utilizing passwords or other identifiers to gain access. Monitoring shall only be conducted by authorized school or District administrators and designees (e.g., police officials). Likewise, network connected systems must not be openly accessible on the Internet; rather, they must be operated behind the District's firewall and password protected.

Misuse or abuse of the video surveillance/electronic monitoring system shall not be tolerated and will be addressed on a case-by-case basis by the Board and Superintendent.

Viewing of Recordings

Authorized users of video surveillance/electronic monitoring system shall be approved by the Superintendent or building director. Only individuals with a legitimate educational interest in the video recording shall be designated as authorized users. As such, video recordings may only be viewed by the building director/designee or individual authorizing the video surveillance/electronic monitoring systems installation, by parents and students (see below), or School District staff with a direct involvement with the recorded content of the specific video recording, or employees or agents responsible for the technical operation of the system (for technical purposes only).

Authorized users shall receive training regarding proper use of the video surveillance/electronic monitoring system equipment, rules regarding privacy, and Board policy. Authorized users shall restrict system use to that for which it

is intended (i.e., maintenance of individual safety and property conservation).

Video recordings will be viewed by authorized users on a random basis and/or when problems are brought to the attention of the building director or another administrator.

Video monitors used to view video recordings should not be located in a position that enables public viewing.

Any student (or parent of a minor student), employee or member of the public that is recorded by a video surveillance/electronic monitoring system has a general right of access to review the video if it will not result in or constitute an unauthorized release of another student's personally identifiable information. Access to an individual's own personal information may depend upon whether any other confidential or privileged information can be reasonably severed. Confidential or private information can be reasonably severed from the recording for viewing purposes if the District is able, without undue hardship or expense, to utilize a copy of the recording and digitally "black out" or "blur" the images of the other individuals who appear on the video. The original recording may not be altered in any manner. If an employee or student is facing any disciplinary action, s/he may authorize his/her (union) representative or other advocate to also view the video recording.

An individual may be refused permission to review a video recording where to allow it would:

A. be an unreasonable invasion of a third party's personal privacy;

B. give rise to a concern for the safety of a third party;

C. constitute an unauthorized disclosure of student personally identifiable information under State and/or Federal law; or

D. interfere with or compromise a law enforcement investigation/matter.

If an individual is prohibited from reviewing a video recording, the building director will view it and report to the person what is contained on the recording.

Retention, Secure Storage, Access to and Disposal of Video Recordings

Video recordings, when not is use, shall be stored in a locked, fire resistant cabinet or room, in an area to which students and the public do not normally have access. The recordings must be clearly and properly labeled and entered into a storage log.

Access to and viewing of video recordings is limited to authorized personnel. The building director is responsible for maintaining a proper audit trail for all video recordings (i.e., logs must be maintained of all instances of access to, and use of, recorded material - the log must document the person accessing the recording, the date and time of access, and the purpose). The building director shall approve requests for access to recorded and stored video images. The building director may authorize the viewing of recorded images in the event of an ongoing law enforcement investigation, an incident involving property damage or loss, or for other reasons deemed appropriate.

All video recordings to be taken off-site must be signed out by the requestor and the building director. When returned, the requestor who originally signed the recording out and the building director shall sign the recording back in. All video surveillance/electronic monitoring recording media shall be considered legal evidence and treated as confidential or as directed by Board Counsel. Release of original video recordings to individuals or outside agencies may only occur pursuant to subpoena or court order after the same has been reviewed by Board Counsel.

Original video recordings shall never be edited or manipulated in any manner. When video recordings are requested by any law enforcement agency as part of an ongoing investigation, a duplicate may be provided for that purpose. The original media shall be protected from accidental overwrite or erasure during the duplicating process. Nothing in his paragraph prohibits the redaction of personally identifiable information from duplicated media when mandated by FERPA.

Video recordings may never be sold publicly, viewed or distributed in any other fashion except as provided for by Board policy and this guideline, and consistent with State and Federal law.

Video surveillance/electronic monitoring recordings shall be retained, stored and destroyed, including storage log books, pursuant to the District's Records Retention Schedule.

Video recordings, scheduled to be destroyed must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved (e.g., shredding, burning, magnetically erasing the personal information).

Covert Surveillance

Because covert surveillance is highly privacy-invasive, it may only be used as a last resort in limited case-specific circumstances, and in a time-limited manner (i.e., it must be the only available option under the circumstances and the benefits derived from the personal information obtained far outweigh the violation of privacy of the individuals observed).

ag7450

INVENTORY PROCEDURE

7450 - **INVENTORY PROCEDURE**

A. **General Procedure for Consumable Inventory**

B. In order for the District to meet requirements for preparing GAAP (Generally Accepted Accounting Procedures) basic financial statements, it is necessary to conduct an annual inventory of consumable supplies and materials on hand at fiscal year end, June 30th.

C. The Physical Inventory Area Supervisor for each building/department will be the principal or department supervisor as appropriate.

D. Inventory sheets will be provided by the office and will include:

1. Date
2. Building/Department
3. Item Description
4. Part #/Catalog #
5. Quantity
6. Unit Cost
7. Extended Cost
8. Grand Total Cost

E. **Responsibilities of Physical Inventory Area Supervisor**

1. To supervise the inventory for a specific location.
2. To ensure that qualified stock counters and sheet writers are available for the inventory period.
3. To serve as the contact during the inventory.

F. **Action to be Taken (Pre-Inventory Planning)**

1. Select a sufficient number of inventory stock counters, sheet writers, and if necessary, material handlers to complete the inventory within the allotted time period. Provide the inventory crew with instructions on completing the inventory sheets.

2. Determine that people involved with inventory are qualified.

G. **Counters** - Employees should be familiar with the stock and with the part/supply numbering system. If possible, they should have prior inventory experience.

1. **Writers** - Employees should have legible handwriting.

2. Arrange so that areas subject to inventory are clean and that stock is arranged in an orderly and accessible manner. All scrap should be removed to a separate section and clearly identified.

3. Issue instructions that operations, when possible, will cease and no stock will be moved during the inventory recording period. In areas where movement of inventory is anticipated, schedule counting of items to be as least disruptive as possible. Consequently, count high moving items last and slow moving items first. Areas where work must be continuous should be noted to the inventory controller, and records kept of counted inventory used until verified and released.

4. Advise all inventory participants that their work may be subject to verification by State Auditors.

5. If perpetual records are used, make sure that all postings are current. Auditors may wish to test the accuracy of perpetual records prior to the actual inventory.

6. Meet with inventory crews to do the following:

    a. Give specific area assignments to the inventory crews so that physical boundaries are clearly identified. This will avoid overlapping or failure to cover an area.

    b. Remind inventory crews not to destroy sheets but rather to void them in case of error.

    c. Remind inventory crews not to borrow inventory sheets from each other.

    d. Advise inventory crews their count is being audited, so accuracy is important.

    e. Review with the inventory crew the procedure for preparing inventory sheets. Stress accuracy of the counts.

    f. Remind writers to repeat all information back to the counters to get an immediate double check that the information is correct.

H. **Actions to be Taken (During Inventory)**

1. Issue inventory sheets and record to whom issued. REMEMBER - ALL SHEETS MUST BE ACCOUNTED FOR!

2. Analyze each area with the inventory crew and determine the best course to follow.

3. If necessary, request office personnel to provide aid in getting adequate descriptions, units of measure, and pricing information.

4. Check to see that all completed inventory sheets are accounted for.

5. Assign personnel to cost each item, extend cost, sub-total each page, and grand total on final page. This procedure should be spot checked and verified by Inventory Supervisor.

6. Return all (used and unused) inventory sheets in numerical sequence no later than the scheduled completion date.

I. **Exceptions to above procedures**

1. Buildings and Grounds Department

2. Inventory conducted by building location.

3. Food Service

4. Donated commodities should be recorded and costed separately from balance of supply inventory.

    a. Transportation

    b. Provide a list of specific supply and repair items to be inventoried due to accumulated value of parts on hand necessitated by summer repair schedules.

    c. All fuels (gas and diesel), oil, etc. are to be reported.

J. **Follow-through procedure**

Upon completion of the inventory process at the Building/Department level, return all consumable inventory sheets to the office. After verification by the office, the District Consumable Inventory Fiscal Year End Report will be compiled and a request sent to the State Auditors for observation and verification of the inventory. Each Building/Department will be apprised of this schedule and upon verification by the auditors, the inventory process will be complete for that fiscal year.

K. **New Equipment Inventory Control Procedures**

All equipment is to be given an inventory number and recorded on the New Equipment Inventory listing.

1. Remove equipment from the shipping container. Inspect it to be sure all parts have been received and are in good condition.

2. After inspection, an inventory ID Number should be attached. These numbers are to be issued in sequence. The sticker should be attached as close as possible to the serial number, without covering any information pertinent to the repair or replacement of the equipment.

3. All information pertaining to the equipment, i.e., item, serial number, vendor, date of purchase, cost, building located in, room located in, maintenance agreement, etc. should be recorded on the new inventory listing.

4. All information should be submitted for placement in the "New Equipment" file.

L. **Textbook Inventory Procedures**

All nonconsumable textbooks, teachers editions of textbooks, and reference books that are not controlled by the library, are to be stamped and numbered.

M. **Hardback Textbooks and Teacher's Editions**

1. Each book is stamped with the school or District name on the inside front cover and on any page in the middle of the book.

2. Numbering is done on the inside front cover and contains the year purchased and the book number. (Example: 96-0, 96-2, 96-3) Each book title will receive its own set of sequenced numbers.

N. **Paperback Books**

1. Because of the small print, paperback books are stamped and numbered on the inside front cover only.

2. Once the books are received, all pertinent information concerning the purchase is recorded in the "Textbook Inventory" file located in the office. Information such as title, publisher, cost, building and teacher, and copyright are recorded.

3. At the end of each school year, a new inventory report is sorted by school and teacher and sent to the respective school. Each teacher updates and returns his/her report and update the records. Reasons for most changes are replacement of texts with a new edition or a destroyed or lost book. Each teacher is also to submit Form 5513 F1-Textbook Condition, indicating the condition of each textbook issued to students.

O. **Workbook Inventory Procedures**

As workbooks are received, they are entered in the "Workbook Inventory" file Information such as supplier, cost plus shipping, building, etc. is to be recorded.

Purchases made throughout the year will be added to the previous year's ending inventory giving a total of books available for sale. At the end of the fiscal year a new inventory will be taken. This figure will indicate the total amount of books sold. Total amount of books sold, multiplied by the cost, should be equal to the amount deposited throughout the year for workbooks.

A list will be furnished to each school secretary, who will keep track of workbooks given to students who are unable to pay. Accounting adjustments will be made to the fund at the end of the fiscal year, based on records kept by the school secretary.

Workbooks are not to be stamped or marked in any way with District identification.

© Neola 2012

ag7455

ASSET ACQUISITION, TRANSFER, AND DISPOSAL

7455 - **ASSET ACQUISITION, TRANSFER, AND DISPOSAL**

Fixed assets are defined as those tangible assets of the District with a useful life in excess of one (1) year that the District intends to hold or continue in use over an extended period of time.

Although some assets may not meet all of the criteria for "fixed" assets, they shall be identified as "controlled" assets and recorded in the same manner as other assets on the fixed asset system.

Acquisition

A purchase order shall be completed and submitted to the Treasurer for approval. Prior to approval, the Treasurer shall review the excess asset list to determine if the same or similar asset is available from a different building or department. If the purchase order is approved, a copy of the approved purchase order will be returned to the originating principal/supervisor.

If approved, the initial information from the purchase order will be entered into the accounting system as a pending item. The Treasurer shall send the transmittal form to the principal/supervisor.

When the asset is received, the transmittal form shall be returned to the originator. Information from the form shall be used to complete the fixed asset pending file and the asset will be recorded in the system.

Transfer and/or Disposal

A. A request for asset disposal (transfer) (Form 7455 F1) is to be submitted to the Treasurer for approval. The Treasurer is to keep a copy of the request and return the remaining copies to the principal/supervisor.

   After approval has been received and upon disposition or transfer of an asset, the principal/supervisor shall sign and date the approved request for fixed asset disposal and shall send a copy to the Treasurer and, if the asset is to be transferred, a copy to the principal/supervisor receiving the asset.

   Assets approved for auction shall be transferred to storage prior to sale. An approved copy of the request for disposal is to be sent to the Treasurer. (This procedure has been established to facilitate the auction process by accumulating all assets for sale in one place and to enhance internal control by segregating duties.)

   Monthly, the Treasurer shall prepare a report listing all assets held for sale. A copy of the report shall be

forwarded to the Superintendent who shall compare the list to the approved requests for disposal and also compare the list to the actual assets stored for sale. Any discrepancies shall be reported to the Treasurer and/or the Superintendent for resolution.

The requested disposal list shall then be approved by Board resolution prior to sale.

When an auction has taken place, the Treasurer shall prepare a list of assets sold and the amount of money received for each. Upon receipt of the list of assets sold, the Treasurer shall update the list of assets held for sale and the master asset list.

B. Annually, the Treasurer shall prepare a master list of all entity assets, a report of assets purchased, and a report of assets disposed of or transferred. Each principal/supervisor shall receive that portion of each report that relates to that building or department. It is the responsibility of the principal/supervisor to review and compare the reports to the fixed assets maintained in his/her area of responsibility. Any discrepancies are to be reported to the Treasurer and/or the Superintendent for resolution.

C. Any evidence of lost, stolen, or damaged assets shall be immediately reported to the Treasurer. The Superintendent and Treasurer shall investigate the matter and determine the appropriate action.

D. Periodic physical inventories shall be conducted to account for the assets of the entity.

ag7510A

USE OF DISTRICT PREMISES

7510A - **USE OF DISTRICT**

Applications

Any organization or individual desiring to use District premises shall complete an application (Form 7510 F1) and submit it to the Principal/Activity Director for approval.

A. The Principal/Activity Director shall clear each application with respect to date, time and other arrangements and will provisionally approve or deny the use of school premises on the basis of Board policy.

B. The Superintendent will approve all requests and send a photocopy of the request to the building administrator. If the application is not approved.

C. Charges for school personnel shall be based on the appropriate rate of pay for persons in the respective job classification (custodian, cook, etc.) whenever extra pay for school employees is required as a result of the use.

D. Each applicant shall submit, prior to approval, proof of liability insurance.

E. The District reserves the right to demand sufficient time for full investigation, notice, and arrangements of all requests for the use of school premises and reserves first claim to the use of its own property. Cancellations may be issued by the Superintendent/Principal **with or without due notice**. All approvals are to be granted with this understanding.

F. In no case will those who have been granted permits assign, transfer, sublet, or charge a fee to others for the use of school property.

Ineligible Users

Groups or persons will not be granted permits when the request is for activities that are in conflict or competition with District programs or not authorized by Board policy.

Regulations (see Form 7510 F2)

A. Users must take reasonable steps to ensure orderly behavior and will be responsible for paying for all damage associated with their use of school premises or equipment.

B. The District reserves the right to request payment of estimated fees in advance.

C. Smoking and the use of tobacco substitute products is prohibited in accordance with Policy 7434. All users are responsible for complying with this regulation.

D. Except for "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

E. The District may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. The District is not responsible for the care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go.

F. Alcoholic beverages and controlled substances will not be permitted on District property at any time.

G. Decorations must be fireproof and shall be erected and taken down in a manner not destructive to District property. Decorations are subject to the approval of the building administrator. The use of open flames, such as candles, is permitted only with written permission from the fire marshal.

H. The user shall be fully responsible for all loss or damage to District property, including property of students and employees. Additionally the user shall provide written notice to the District of any accident resulting in bodily injury or damage to District property caused by a person attending or participating in the program or activity. The notice must be provided within twenty-four (24) hours of the accident. Such written notice must include the name and address of the person involved in the accident, name and address of any witnesses, and details regarding the time, place, circumstances and nature of the injury or property damage.

Users must procure and maintain throughout the term of their use of school premises a public risk insurance policy with a reputable insurer.The user must present the policy or certificate of insurance to the District prior to the use of school premises. Such policy shall be considered primary, and any insurance held by the Board that may provide protection or benefits to the Board shall be considered excess.

Users shall indemnify and hold harmless the Board, its members, employers, volunteers and representatives, and all persons and bodies corporate acting for or on their behalf, against any claims, suits, demands, costs, expenses, and liability for damages to any person or property in or about the school premises from any cause whatsoever arising out of the use of school premises by user and its attendees/participants, and for any other sums in excess of those contained in any insurance policy procured by user relating to the use of school premises or for such amounts as may not be payable under any such insurance policy.

I. Requests for District-owned equipment are not included in the direct or indirect costs and shall be charged based on request and type of equipment.

J. The use of any materials on floors or other parts of the building is strictly prohibited without specific approval in writing from the building administrator.

K. Use of stages, furniture, and equipment must be arranged for in advance. Set-up and clean-up may be performed by members of the group using school premises, provided the responsible persons are listed on the application. Additional custodial services required for work not done satisfactorily will be paid for by the using group. Arrangements must be made with the building administrator for use of any special or extra equipment. Extra compensation paid employees for moving, operating, or supervising special or extra equipment will be charged to the using group.

L. Buildings will normally be open thirty (30) minutes prior to the activity and for thirty (30) minutes after its scheduled end, unless other arrangements are requested on the application and approved.

M. Use during summer vacation, on holidays, or during other vacation periods shall not conflict with building cleaning and renovating programs and will depend on the availability of building service personnel for supervision.

N. No unauthorized methods of obtaining funds, including any form of gambling, is permitted in District buildings or on District grounds.

O. A school custodian shall be on duty whenever school premises are being used except as exempted by the principal. The custodian will render custodial assistance in handling furniture and equipment and will be responsible for seeing that the premises are left in good order after the activity is over. The custodian's overtime, including clean-up time, will be charged at the appropriate hourly rate. Food-service personnel shall be required, in addition, when kitchen facilities are requested.

P. Responsibility for enforcement of rules and regulations concerning use of District premises rests with the user group, and any infractions of the above regulations may be grounds for refusing to grant subsequent requests for the use of District premises. Additionally, users are responsible for the proper supervision, control, and accommodation of persons attending the activity, and must ensure that attendees/participants will only access/use authorized areas of school premises, and the entrances thereto.

Q. Corridors, exits, and stairways must be free of obstructions at all times. Exits are to be lighted when school premises are in use. Members of audience or spectators must never stand or sit so they block exits, stairways, or aisleways.

R. The District will not be responsible for any loss of valuables or personal property.

S. Flyers, booklets, or other printed or audio-visual materials may not be distributed unless they relate directly to the activity for which the school premises are being used.

T. Non-marking gym shoes must be worn when using any gymnasium floor.

U. Skateboards and other like equipment which constitutes a safety hazard to students shall not be allowed on District premises at any time.

No hazardous materials, including but not limited to, flammable materials or liquids, fireworks, pyrotechnic devices, explosives, poisonous materials or plants, strong acids or caustics, or dangerous animals will be brought onto school premises or used in any way, without specific approval in writing from the building administrator.

No rides or attractions, including but not limited to, trampolines, enclosed or air supported structures of any type (e.g., bouncy houses), climbing walls or ropes, shooting activities, including bows or arrows, or similar equipment or related devices will be brought onto school premises or used in any way, without specific approval in writing from the building administrator.

FEE FOR USE OF DISTRICT BUILDINGS

A schedule of fees for the use of District premises is determined annually based upon the following factors and as set forth in AG 7510B - Charges and Priorities for Use of School Premises:

A. The use of District premises for activities related to the educational program and District operations shall be without cost to the users, except that the users shall be responsible for any police fees.

B. The use of District premises for any nonprofit community use shall be without cost to the users, except that the users shall be responsible for any extra custodial and cafeteria employees fees and for any police fees.

C. All other organizations or persons granted the use of schools shall assume the charges as indicated (see AG 7510B), payable in advance, and the cost of such additional staff services as may be required.

© Neola 2015

ag7510C

SUPERVISON OF RENTED SCHOOL PREMISES

7510C - **SUPERVISON OF RENTED SCHOOL PREMISES**

A. Each group requesting the use of District premises must use the services of a District custodian, except as exempted by the administrator in charge of the building or other authorized administrator, and must pay for such services.

B. Each group requesting the use of District premises must indicate an individual, satisfactory to the administrator in charge of the building, who will serve in a supervisory capacity during the use of the District premises.

C. If the supervisor, as designated above, is not satisfactory to the administrator in charge, the administrator shall appoint a supervisor and the pay shall be charged to the sponsoring group.

D. Supervisors are responsible for the enforcement of all rules and procedures regarding the use of District premises.

E. The custodian on duty is directed not to open/provide access to school premises until the supervisor for the sponsoring group is on duty.

© Neola 2015

ag7530A

PERSONAL USE OF DISTRICT EQUIPMENT/FACILITIES

7530A - **PERSONAL USE OF DISTRICT EQUIPMENT/FACILITIES**

Board Policy 7530 requires that limits be placed on staff use of District equipment and facilities. The following guidelines describe the nature and extent of such use.

FACILITIES/EQUIPMENT/SUPPLIES

A. Staff members may not use any of the District's equipment or supplies for personal reasons.

B. Staff members may use District facilities providing they follow the guidelines established in AG 7510A - Use of District Facilities.

© Neola 2012

ag7530B

TECHNOLOGY EQUIPMENT SECURITY PROCEDURES

7530B - **TECHNOLOGY EQUIPMENT SECURITY PROCEDURES**

A. Identification:

1. A label with the District's name and an identification number will be placed on each piece of equipment.

2. In addition, indelible ink shall be used to write the following on each piece of equipment and software:

   District, school name, and special funding, if applicable.

3. Records of the identification number, serial number, model, etc. for each piece of audiovisual equipment shall be maintained at Central office.

B. Requests for Personal Use:

Personal use of equipment and software, including computers and peripherals, by students, staff shall be in accordance with Policy 7530 and the accompanying guidelines.

ag7530C

CLASSROOM TELEPHONES

7530C - **CLASSROOM TELEPHONES**

The purpose of the District providing a telephone in each classroom is to facilitate communications with parents concerning their child's learning. The telephone is to be used only by the teacher(s) assigned to that classroom or other members of the staff designated by the teacher or principal. The telephone may be used to:

A. receive calls from parents who have questions concerning program, assignments, report cards, and the like;

B. contact parents regarding assignments, classroom activities, student behavior, volunteer needs, and the like;

C. communicate with the administration, other District staff, or outsiders concerning classroom, school, or District activities.

Classroom telephones are not to be used:

A. to transact personal business or nonschool-related business;

B. during classroom instructional time unless the call is an integral part of a learning activity;

C. by students at any time unless specifically authorized by the teacher or principal;

D. for long distance calls unless authorized by the principal.

ag7540

COMPUTER TECHNOLOGY AND NETWORKS

7540 - **COMPUTER TECHNOLOGY AND NETWORKS**

The Technology Coordinator is responsible for managing the Board of Education's technology system and making arrangements for any networks that may be used to enhance the educational program and/or operations of the District.

S/He also is responsible for implementing the guidelines established for program development (AG 2210A through AG 2252), the selection of materials and equipment (AG 2520A), and verifying that the District's purchasing guidelines (AG 6320A) are followed. In addition, the Tecnology Coordinator/Principal shall verify that each staff member and student who will have access to Board technology and any networks completes the appropriate agreement Form 7540.04 F1 or Form 7540.03 F1.

All tentative agreements with networks or technology agencies are to be submitted to the Superintendent for review and approval.

Staff members and/or students are to be provided the following information concerning the use of the Internet:

A. Use of the Internet is to be related to one or more courses of study and is not to be used by staff or students for discriminatory or unlawful purposes. Further, use of the Internet for recreational purposes is prohibited. All student use is to be supervised by a staff member or approved volunteer who has signed the Staff Network and Internet Acceptable Use and Safety Agreement Form 7540.04 F1.

B. Because of the vast amount of information that can be retrieved from the Internet teachers are responsible for training students to use proper research skills when retrieving information. It is inappropriate, costly, and a waste of valuable instructional time for staff and/or students to download large quantities of information that has not been checked ahead of time for accuracy, relevancy, and probable usage. It may be helpful, therefore, for teachers to conduct some controlled exercises with students on how to differentiate between web-sites that are "attractive but superficial or irrelevant" from those that are "attractive, substantive, and relevant."

C. Staff members need to have back-up plans or contingency procedures in place for times when the Internet may not be accessible. Since the Internet is primarily a data-gathering mechanism, alternative sources for needed data should be available so that students can accomplish the purpose of the instruction within the established time period.

D. The Student and Staff Network and Internet Acceptable Use and Safety Agreements, Form 7540.03 F1 and Form 7540.04 F1, that students and staff members must sign prohibits the use of the Internet for illegal,

unethical, or harassing purposes or to obtain information that could be considered obscene, pornographic, or unsuitable for children. If a question of interpretation arises concerning the definition of these terms, the Superintendent and building principal shall have the authority to determine whether the web site is appropriate or the use is permissible. Prior to accessing or allowing access to information that the staff member is unsure about, s/he should consult with Principal.

This information can be provided through written guidelines, professional development seminars, faculty and student meetings, and introductory remarks at the beginning of a course in which the Internet may be used.

© Neola 2010

PERSONAL USE OF DISTRICT TECHNOLOGY

7540.01A - **PERSONAL USE OF DISTRICT TECHNOLOGY**

The following guidelines govern staff member's personal use of Board of Education-owned technology either at school or while at home for school purposes. These guidelines also govern students' personal use of Board-owned technology while at home. Except as authorized herein, no personal, that is, non-school, use of Board technology may be made by any student at any time.

A. Form 7540.01 F1 - Permission to Use/Install Software is to be submitted to the Technology Coordinator before any personal software is used and/or installed on Board-owned computers. In addition, the staff member must provide either the licensing agreement from the manufacturer or a proof of purchase. The staff member must also confirm to the Technology Coordinator that s/he reviewed and analyzed the content of the software using the criteria established in Form 2520 F1 - Rating Nondistrict Instructional Materials and rated it no higher than "2" on any of the four (4) criteria. The staff member should retain a copy of the form. It is essential that Form 7540.03 F1 and Form 7540.04 F1 address the issue of the proprietary rights related to the design of any websites and/or pages hosted on the Board's servers or that are created/developed during work as a part of an employee's job responsibilities (staff) or as a class assignment (student).

B. Prior to making a copy of any Board-owned software, a staff member or student should contact the Technology Coordinator to find out whether or not there is any licensing agreement associated with that software, and if so, whether the license allows the staff member or student to load the material on his/her personal computer. If reproduction is allowed, the staff member or student is to complete a check-out form (see Form 7540.01 F2) in which s/he agrees to make only one copy and only for personal use and not for use by others. If the license does not allow this, then no copy is to be made.

C. No staff member or student is allowed to access the Internet or other District networks without first signing the Student or Staff Network and Internet Acceptable Use and Safety Agreement, Form 7540.03 F1 or Form 7540.04 F1. All student use of the Internet must be under the supervision of a staff member or approved volunteer.

D. Neither staff members nor students are to use the Internet for recreational, personal, discriminatory, or unlawful purposes but only for purposes related to the Board's educational mission and goals, program or operational needs.

E. Each staff member and student will be issued a password for use with Board-owned technology, provided the individual agrees not to share the password with others. The existence of a password does not guarantee confidentiality or privacy and the Board retains the right to use any person's password to monitor the type of use that is being made of Board-owned technology.

F. Students are not allowed to send or receive personal e-mail messages on Board-owned computers.

G. Use of all other Board-owned technology shall be in accord with AG 7530A - Personal Use of District Equipment and Facilities.

ag7540.03

STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Students are authorized to use the Board's computers, laptops, tablets, personal communication devices (as defined by Policy 5136), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech") for educational purposes. Use of the Education Technology is a privilege, not a right. When using the Ed-Tech, students must conduct themselves in a responsible, efficient, ethical, and legal manner. Unauthorized or inappropriate use of the Ed-Tech, including any violation of these guidelines, may result in cancellation of the privilege, disciplinary action consistent with the Student Handbook, and/or civil or criminal liability. Prior to accessing the Education Technology students and parents of minor students must sign the Student Education Technology Acceptable Use and Safety Agreement. Parents are encouraged to discuss their values with their children and encourage students to make decisions regarding their use of the Ed-Tech that is in accord with their personal and family values, in addition to the Board's standards.

Smooth operation of the Board's Education Technology relies upon users adhering to the following guidelines. The guidelines outlined below are not exhaustive, but are provided so that users are aware of their general responsibilities.

A. Students are responsible for their behavior and communication using the Ed-Tech. All use of the Education Technology must be consistent with the educational mission and goals of the District.

B. Students may only access and use the Education Technology by using their assigned account and may only send school-related electronic communications using their District-assigned email addresses. Use of another person's account/email address/password is prohibited. Students may not allow other users to utilize their account/email address/password. Students may not go beyond their authorized access. Students are responsible for taking steps to prevent unauthorized access to their accounts by logging off or "locking" their computers/laptops/tablets/personal communication devices when leaving them unattended.

C. Students may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the District's Network. Students may not intentionally disable any security features of the Ed-Tech.

D. Students may not use the Education Technology to engage in "hacking" or other illegal activities (e.g. software pirating; intellectual property violations; engaging in slander, libel, or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; sale of illegal substances and goods).

1. Slander and libel are terms defined specifically in law. Generally, slander is "oral communication of false statements injurious to a person's reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person's reputation or the

act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language. Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Students shall not knowingly or recklessly post false or defamatory information about a person or organization. Students are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

2. Students shall not use the Education Technology to transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation or transgender identity, age, disability, religion, or political beliefs. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a personal communication device or other electronic equipment is grounds for discipline. Such actions will be reported to local law enforcement and child services as required by law.

E. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

F. Use of the Education Technology to engage in cyberbullying is prohibited. "Cyberbullying" is defined as the use of information and communication technologies (such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal websites, and defamatory online personal polling websites,) to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others." [Bill Belsey (http//www.cyberbullying.ca)]

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a website or on weblog;

2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill;

3. using a camera phone to take and send embarrassing and/or sexually explicit photographs/recordings of students;

4. posting misleading or fake photographs of students on websites.

G. Students are expected to abide by the following generally-accepted rules of online etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through the Education Technology. Do not use obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, abusive or disrespectful language in communications through the Ed-Tech (including, but not limited to, public messages, private messages, and material posted on web pages).

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a student is told by a person to stop sending him/her messages, the student must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. Never reveal names, addresses, phone numbers, or passwords of yourself or other students, family members, teachers, administrators, or other staff members while communicating on the Internet. This prohibition includes, but is not limited to, disclosing personal identification information on commercial websites.

6. Do not transmit pictures or other information that could be used to establish your identity without prior approval of a teacher.

7. Never agree to get together with someone you "meet" on-line without parent approval and participation.

8. Check e-mail frequently, and delete unnecessary e-mail promptly.

9. Students should promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable, especially any e-mail that contains sexually explicit content (e.g. pornography). Students should not delete such messages until instructed to do so by a staff member.

H. Students shall not use the Education Technology to access, process, distribute, display or print Prohibited Material at any time, for any purpose. Students may only access, process, distribute, display or print Restricted Material and/or Limited Access Material as authorized below.

1. Prohibited Material includes material that constitutes child pornography and material that is obscene, objectionable, inappropriate and/or harmful to minors, as defined by the Children's Internet Protection Act. As such, the following material is prohibited: material that appeals to a prurient or unhealthy interest in nudity, sex, and excretion; material that depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. Prohibited material also includes material that appeals to a prurient or unhealthy interest in, or depicts, describes, or represents in a patently offensive way, violence, death, or bodily functions; material designated as for "adults" only; and material that promotes or advocates illegal activities.

2. Restricted Material may not be accessed by elementary or middle school students at any time, for any purpose. Restricted Material may be accessed by high school students in the context of specific learning activities that have been approved by a teacher or staff member for legitimate research purposes. Materials that may arguably fall within the description provided for Prohibited Material that have clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be Restricted. In addition, Restricted Material includes materials that promote or advocate the use of alcohol and tobacco, hate and discrimination, satanic and cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making online connections with other people are Restricted.

3. Limited Access Material is material that is generally considered to be non-educational or entertainment. Limited Access Material may be accessed in the context of specific learning activities that are directed by a teacher.

   If a student inadvertently accesses material that is considered Prohibited or Restricted, s/he should immediately disclose the inadvertent access to the teacher or building principal. This will protect the student against an allegation that s/he intentionally violated the provision.

   The determination of whether material is Prohibited, Restricted, or Limited Access shall be based on the content of the material and the intended use of the material, not on the protective actions of the technology protection measures. The fact that the technology protection measures have not protected against access to certain material shall not create the presumption that such material is appropriate for students to access. The fact that the technology protection measures have blocked access to certain material shall not create the presumption that the material is inappropriate for students to access.

I. Malicious use of the Education Technology to develop programs that harass other users or infiltrate a computer/laptop/tablet or computer system and/or damage the software components of a computer or computing system is prohibited. Students may not engage in vandalism or use the Ed-Tech in such a way that would disrupt its use by others. Vandalism is defined as any malicious or intentional attempt to harm, steal or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass Network security and/or the Board's technology protection measures. Students also must avoid intentionally wasting limited resources. Students must immediately notify the teacher, or building principalif they identify a possible security problem. Students should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

J. All communications and information accessible via the Internet should be assumed to be private property (i.e. copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected. Rules against plagiarism will be enforced.

K. Downloading of information onto school-owned equipment or contracted online educational services is prohibited, without prior approval from teacher. If a student transfers files from information services and electronic bulletin board services, the student must check the file with a virus-detection program before opening the file for use. Only public domain software may be downloaded. If a student transfers a file or installs a software program that infects the District's Ed-Tech with a virus and causes damage, the student will be liable for any and all repair costs to make the Education Technology once again fully operational.

L. Students must secure prior approval from a teacher before joining a Listserv (electronic mailing lists) and should not post personal messages on bulletin boards or Listservs.

M. Students are prohibited from accessing or participating in online "chat rooms" or other forms of direct electronic communication (e.g., instant messaging) (other than e-mail) without prior approval from a teacher. All such authorized communications must comply with these guidelines. Students may only use their school-assigned accounts/email addresses when accessing, using or participating in real-time electronic communications for education purposes.

N. Users have no right or expectation to privacy when using the Education Technology. The District reserves the right to access and inspect any facet of the Ed-Tech, including, but not limited to, computers, laptops, tablets, personal communication devices, networks, or Internet connections or online educational services, e-mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein. A student's use of the Ed-Tech constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Ed-Tech and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technical monitoring systems and staff monitoring, may lead to discovery that a user has violated Board policy and/or the law. An individual search will be conducted if there is reasonable suspicion that a user has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials. Students' parents have the right to request to see the contents of their children's files, e-mails and records.

The following notice will be included as part of the computer log-on screen:

"The Board's Education Technology (including, computers, laptops, tablets, personal communication devices, network, and Internet connection and online educational services) is to be used for educational and professional purposes. Users are reminded that all use of the Education Technology, including Internet use, is monitored by the District and individual users have no expectation of privacy."

O. Use of the Internet and any information procured from the Internet is at the student's own risk. The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the Ed-Tech will be error-free or without defect. The Board is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Board is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in student papers, reports, and projects must be cited the same as references to printed materials. The Board will not be responsible for financial obligations arising through the unauthorized use of the Ed-Tech. Students or parents of students will indemnify and hold the Board harmless from any losses sustained as the result of misuse of the Ed-Tech by the student.

P. Disclosure, use and/or dissemination of personally identifiable information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the "Student Education Technology Acceptable Use and Safety Agreement Form."

Q. Proprietary rights in the design of websites hosted on Board-owned or leased servers remains at all times with the Board.

R. File-sharing is strictly prohibited. Students are prohibited from downloading and/or installing file-sharing software or programs on the Ed-Tech.
Game playing is not permitted unless under the supervision of a teacher.

© Neola 2014

ag7540.04

STAFF EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Staff members are authorized to use the Board of Education's computers, laptops, tablets, personal communication devices (as defined by Policy 7530.02), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech") for educational and professional purposes. Use of the Education Technologyis a privilege, not a right. Staff members must conduct themselves in a responsible, efficient, ethical, and legal manner. Unauthorized or inappropriate useof the Ed-Tech, including any violation of these guidelines, may result in cancelation of the privilege, disciplinary action consistent with the applicable collective bargaining agreement and Board policy, and/or civil or criminal liability. Prior to accessing the Education Technology, staff members must sign the Staff Education Technology Acceptable Use and Safety Agreement.

Smooth operation of the Board's Education Technology relies upon users adhering to the following guidelines. The guidelines outlined below are not exhaustive, but are provided so that users are aware of their general responsibilities.

A. Staff members are responsible for their behavior and communication using the Ed-Tech. All use of the Education Technology must be consistent with the educational mission and goals of the District.

B. Staff members may only access and use the Education Technology by using their assigned account and may only send school-related electronic communications using their District-assigned email addresses. Use of another person's account/email address/password is prohibited. Staff members may not allow other users to utilize their passwords. Staff members may not go beyond their authorized access. Staff members are responsible for taking steps to prevent unauthorized access to their accounts by logging off or "locking" their computers/laptops/tablets/personal communication devices when leaving them unattended.

C. Staff members may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the District's network. Staff members may not intentionally disable any security features of the Ed-Tech.

D. Staff members may not use the Education Technology to engage in "hacking" or other illegal activities (e.g., software pirating, intellectual property violations; engaging in slander, libel or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; sale of illegal substances or goods).

1. Slander and libel are terms defined specifically in law. Generally, slander is "oral communication of false statements injurious to a person's reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person's reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by

Houghton Mifflin Company. All rights reserved.) Staff members shall not knowingly or recklessly post false or defamatory information about a person or organization. Staff members are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

2. Staff members shall not use the Education Technology to transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation or transgender identity, age, disability, religion or political beliefs. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a personal communication device or other electronic equipment is grounds for discipline, up to and including termination. Such actions will be reported to local law enforcement and child services as required by law.

E. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

F. Staff members are expected to abide by the following generally accepted rules of online etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through the Education Technology. Refrain from using obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, abusive or disrespectful language in communication through the Ed-Tech (including, but not limited to, public messages, private messages, and material posted on web pages).

2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.

3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a staff member is told by a person to stop sending him/her messages, the staff member must stop.

4. Do not post information that, if acted upon, could cause damage or a danger of disruption.

5. Never reveal names, addresses, phone numbers, or passwords of students while communicating on the Internet, unless there is prior written parental approval or it is otherwise permitted by Federal and/or State law.

6. Check e-mail, frequently and delete unnecessary e-mail promptly . Nothing herein, alters the staff member's responsibility to preserve e-mail and other electronically stored information that constitutes a public record, student education record and/or a record subject to a Litigation Hold.

G. Staff members shall not use the Education Technology to access, process, distribute, display or print Prohibited Material at any time, for any purpose. Staff members may only access, process, distribute, display or print Restricted Material and/or Limited Access Material as authorized below.

1. Prohibited Material includes material that constitutes child pornography and material that is obscene, objectionable, inappropriate and/or harmful to minors, as defined by the Children's Internet

Protection Act. As such, the following material is prohibited: material that appeals to a prurient or unhealthy interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. Prohibited material also includes material that appeals to a prurient or unhealthy interest in, or depicts, describes or represents in a patently offensive way, violence, death, or bodily functions; material designated as for "adults" only; and material that promotes or advocates illegal activities.

2. Restricted material may be accessed by staff members in the context of specific learning activities for legitimate research or professional development purposes. Materials that may arguably fall within the description provided for Prohibited Material that have clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be Restricted. In addition, Restricted Material includes materials that promote or advocate the use of alcohol and tobacco, hate and discrimination, satanic and cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making online connections with other people are Restricted.

3. Limited Access Material is material that is generally considered to be non-educational or entertainment. Limited Access Material may be accessed in the context of specific learning activities.

   If a staff member inadvertently accesses material that is considered Prohibited or Restricted, s/he should immediately disclose the inadvertent access to the building principal. This will protect the staff member against an allegation that s/he intentionally violated the provision.

   The determination of whether material is Prohibited, Restricted, or Limited Access shall be based on the content of the material and the intended use of the material, not on the protective actions of the technology protection measures. **The fact that the technology protection measures have not protected against access to certain material shall not create the presumption that such material is appropriate for staff members to access.** The fact that the technology protection measures have blocked access to certain material shall not create the presumption that the material is inappropriate for staff members to access.

H. Malicious use of the Education Technology to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer/laptop/tablet or computing system is prohibited. Staff members may not engage in vandalism or use the Ed-Tech in such a way that would disrupt its use by others. Vandalism is defined as any malicious or intentional attempt to harm, steal or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass Network security and/or the Board's technology protection measures. Staff members must also refrain from intentionally wasting limited resources. Staff members must immediately notify the building principal. if they identify a possible security problem. Staff members should not go looking for security problems (unless that is a component of their job description), because this may be construed as an unlawful attempt to gain access.

I. All communications and information accessible via the Internet should be assumed to be private property (i.e., copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected.

J. Downloading of information onto school-owned equipment or contracted online educational services is prohibited, without prior approval from principal. If a staff member transfers files from information services

and electronic bulletin board services, the staff member must check the file with a virus-detection program before opening the file for use. Only public domain software may be downloaded. If a staff member transfers a file or installs a software program that infects the District's Ed-Tech with a virus and causes damage, the staff member will be liable for any and all repair costs to make the Education Technology once again fully operational.

K. Staff members have no right or expectation to privacy when using the Education Technology. The District reserves the right to access and inspect any facet of the Ed-Tech, including, but not limited to, computers, laptops, tablets, personal communication devices, networks or Internet connections or online educational services, e-mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein. A staff member's use of the Ed-Tech constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Ed-Tech and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technical monitoring systems and staff monitoring, may lead to discovery that a staff member has violated Board policy and/or the law. An individual search will be conducted if there is reasonable suspicion that a staff member has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials. Staff are reminded that their communications are subject to Ohio's public records laws and FERPA.

The following Notice will be included as part of the computer log-on screen:

"The Board's Education Technology (including computers, laptops, tablets, personal communication devices, network, and Internet connection and online educational services) is to be used for educational and professional purposes. Users are reminded that all use of the Education Technology, including Internet use, is monitored by the District and individual users have no expectation of privacy."

L. Use of the Internet and any information procured from the Internet is at the staff member's own risk. The Board makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the Ed-Tech will be error-free or without defect. The Board is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people. The Board is not responsible for the accuracy or quality of information obtained through the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in class must be cited the same as references to printed materials. The Board is not responsible for financial obligations arising through the unauthorized use of the Ed-Tech. Staff members will indemnify and hold the Board harmless from any losses sustained as the result of misuse of the Ed-Tech by the staff member.

M. Disclosure, use and/or dissemination of personally identifiable information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the "Student Education Technology Acceptable Use and Safety Agreement Form."

N. Proprietary rights in the design of websites hosted on the Board-owned or leased servers remains at all times with the Board.

O. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission.

P. File-sharing is strictly prohibited. Staff members are prohibited from downloading and/or installing file-sharing software or programs on the Ed-Tech.

Q. Staff members are **encouraged** to limit student exposure to commercial advertising and product promotion when developing the District or classroom websites or giving other assignments that utilize the Internet. Under all circumstances, staff members must comply with COPPA.

1. Websites with extensive commercial advertising may be included on the District or classroom websites or designated as a required or recommended site only if there is a compelling educational reason for such selection.

2. Staff members may make use of high-quality, unbiased online educational materials that have been produced with corporate sponsorship. Staff members may not make use of educational materials that have been developed primarily for the purpose of promoting a company and/or its products or services.

© Neola 2015

PROPER USE OF E-MAIL ACCOUNT

7540.05 - **PROPER USE OF E-MAIL ACCOUNT**

Depending on the content of an e-mail message, it may be a public record or an educational record that needs to be maintained by the District in accordance with Policy 8310 - Public Records or Policy 8330 - Student Records, and made available for inspection and/or copying upon request by a member of the public, or a parent or student age eighteen (18) or older. In addition, an e-mail may constitute electronically stored information that is subject to a Litigation Hold pursuant to Policy 8315 - Information Management. The following procedures are established so that the District's e-mail and Internet capabilities are not compromised, and e-mail messages are maintained in accordance with State and Federal law.

OPERATIONAL CONSIDERATIONS:

A. Types of E-Mail Prohibited

1. General Rule: Do not put anything in an e-mail that you would not put on School District letterhead.

2. Do not use the District's e-mail system to send announcements such as wedding, birth announcements or items for sale.

3. Do not forward or start e-mails with the following:

    a. jokes,

    b. pictures, or

    c. similar fun forwards intended to amuse the reader

4. Do not subscribe to the following through your District e-mail account:

    a. daily jokes,

    b. daily horoscopes,

    c. daily recipes,

    d. vacation information, or

e. similar items of information or amusement. Please use your own personal e-mail account for such items.

5. Do not respond to chain letters via your District e-mail account. These letters often come from outside sources, which increase the risk of e-mail based virus infection. Such e-mails multiply exponentially, and cost the District in terms of time, money and resources.

B. Proper Use of the Distribution Lists in the District's Global Address Book

1. When using a District-wide or building-wide distribution list, all members of that group should be intended targets. **Distribution lists are only to be used when it is necessary to convey information to every member of a group.** This includes all distribution lists.

2. It is your responsibility to know to whom your information will be sent if you choose to utilize a District-wide or building-wide distribution list.

C. Use of Rule Generated Messages

PUBLIC RECORD CONSIDERATIONS:*

E-mail messages that are kept by the District and that serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District are public records, unless they meet one of the statutory exceptions, and must be maintained in accordance with the Board's Records Retention Policy and made available for inspection and/or copying by the public. The length of retention of an e-mail message is dependent upon its content and the purpose it serves. The content, transactional information, and any attachments associated with an e-mail message are considered a record if they meet the statutory criteria.

For the purposes of this guideline, there are four (4) categories of e-mail retention: non-record messages, transitory messages, intermediate messages, and permanent messages.

A. **Categories of E-mail**

1. **Non-Record Materials**

E-mail messages that do not meet the criteria of the Ohio Revised Code definition of a public record may be deleted at any time, unless they become part of some official record as a result of special circumstances or must be preserved pursuant to Policy 8315 - "Information Management" and AG 8315 - "Litigation Hold Procedure." These types of messages may include:

a. *Personal Correspondence*

Any e-mail not received or created in the course of District business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a District-business lunch) or "Can I catch a ride home" type of note.

b. *Non-District Publications*

Publications, promotional material from vendors, and similar materials that are "publicly available" to anyone, are not official records unless specifically incorporated into other official records. In the electronic world, this includes listserv messages (other than those you post in your official capacity), unsolicited promotional material ("spam"), files copied or downloaded from Internet sites, etc.

These items may be immediately deleted, or maintained in a "Non-Record" mail box and deleted later, just as you might trash the unwanted publication or promotional flyer.

However, for example, if you justify the purchase of a "Zippo Filing System" by incorporating the reviews you saved (from the "Files R Us Listserv") in your proposal to your supervisor, those listserv messages become official records and must be retained in accordance with the retention schedule for purchasing proposals.

2. **Official Records - Retain As Required**

E-mail messages that meet the definition of a public record in the Ohio Revised Code are official records and must be scheduled, retained and disposed of as such. These official records fall into the following categories:

a. *Transient Retention*

Much of the communication via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar.

Transitory messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The informal tone of transitory messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway. Transient documents include telephone messages, drafts and other limited documents that serve to convey information of temporary importance in lieu of oral communication. Transient documents should be retained in accordance with the Board's Records Retention Policy and the Board's Information Management Policy.

b. *Intermediate Retention*

E-mail messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or permanent should be categorized under other appropriate record series.

These may include (but are not limited to):

1. General Correspondence: Includes internal correspondence (letters, memos); also, correspondence from various individuals, companies, and organizations requesting information pertaining to the District and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence Board/District policy).Retention: (See Records Retention Policy; ex. one (1) year, then destroy).

2. Routine Correspondence: Referral letters, requests for routine information, or publications provided to the District, which are answered by standard form letters.

   Retention: (See Records Retention Policy; ex. six (6) months, then destroy.)

3. Monthly and Weekly Reports: Document status of on-going projects and issues; advise supervisors of various events and issues.

   Retention: (See Records Retention Policy and Information Management Policy).

4. Minutes of Staff Meetings: Minutes and supporting records documenting internal policy decisions.

   Retention: (See Records Retention Policy and Information Management Policy).

c. *Permanent Retention*

E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled as permanent also should be categorized under the appropriate record series. These may include (but are not limited to):

1. Executive Correspondence: Correspondence from the Superintendent, Treasurer, or other administrator that deals with significant aspects of the administration of their offices/buildings. Correspondence includes information concerning Board/District policies/guidelines, program, fiscal and personnel matters.

   Retention: (See Records Retention Policy; and Information Management Policy).

2. Departmental/Building Policies and Procedures: Includes published reports, unpublished substantive reports and policy studies.

   Retention: (See Records Retention Policy and Information Policy).

   Not all e-mail messages will fall into these record series. For more suggested retention periods, consult the Board's Records Retention Policy.

B. **Mailbox Management**

Guidelines and Best Practices for Managing E-Mail

1. **Record Copy E-Mail**

   E-mail users should be aware that e-mail messages are often widely distributed to a number of recipients. Determining which individual maintains the record copy of the message, i.e., the original message that must be retained per the retention schedule, is vital to e-mail management. If the holder of the record copy is not identified and aware of his/her responsibility, the District may find that no one retains the message or that everyone retains the message. Neither of these scenarios is appropriate.

   For example, Board/District policy/guidelines documents that are transmitted to multiple recipients via an e-mail system need not be maintained by each recipient beyond his/her need for this information if record copy responsibility is established so that the record is maintained by some

office, employee or agent for its established retention period. In this example, a logical record copy responsibility rests with the creator or original distributor of the policy/guideline document. Prompt deletion of duplicate copies of e-mail messages from an e-mail system makes the system as a whole much easier to manage and reduces disk space consumed by redundant information.

Generally speaking, the individual who sends an e-mail message should maintain the record copy of the message. However, the varied uses and wide distribution of e-mail may result in many exceptions to this rule that will have to be dealt with internally.

2. **Filing**

Non-transitory e-mail messages should be filed in a way that enhances their accessibility and that facilitates records management tasks. The IT staff will advise users on the set up or modifying of e-mail systems to facilitate records management and appropriate filing systems. Procedures and systems configurations may vary according to the building's/users' needs and the particular hardware and software in use.

In addition to the IN and OUT boxes that come with your mail account, you usually have the option of creating other "mailboxes" or "folders". After brief periods in your IN-OUT boxes, messages should be transferred to other boxes, based on business and retention requirements.

Employees should be responsible for classifying messages they send or receive according to content, the District's folder/directory structure, and established records series.

3. **Distribution Lists**

If you send to a "distribution list" (not a listserv, but a specified list of individuals), you must also keep a copy of the members of that list for as long as you are required to keep the message itself. It is of little value to know that the "Security Alert!" notice went to "Building Principals", without knowing whether Arnold S. received the message. Nicknames present a similar problem.

4. **Subject Lines**

Fill in the subject line on your e-mail both to help your recipient identify and file messages, and to help you file your OUT box messages that must be retained for some period. Subject lines should be as descriptive as possible.

The following are some examples of poor and good subject lines for the same message:

Poor, confusing subject lines	**Better, descriptive subject lines**
"helpful info"`	"contact info"
"report"	"quarterly financial report"
"minutes"	"Jan 99 Board minutes"
"important"	"revised admin. procedures"
"today?"	"lunch plans today?"
"news"	"new agency head appointed"

*This Section has been adopted from the Ohio Electronic Records Committee's publication entitled "Managing Electronic Mail - Guidelines for State of Ohio Executive Agencies".

See: http://www.ohiohistory.org/ohiojunction/erc/email/emailguidelines.html

ag8210

SCHOOL CALENDAR

8210 - **SCHOOL CALENDAR**

The Superintendent shall annually recommend to the Board of Education a school calendar that complies with the following statutory minimum number of hours in which the District's schools are open for instruction with students in attendance (including regularly scheduled classes, supervised activities such as assemblies, approved education options, and co-curricular activities during the scheduled school day, but excluding lunch and breakfast periods and extracurricular activities):

A. students in grades one (1) through six (6) and all-day kindergarten - 910 hours;

B. students in grades seven (7) through twelve (12) -1,001 hours.

When developing school calendar options for the Board's review and approval, the Superintendent may include:

A. up to the equivalent of two (2) school days per year during which students are not required to attend due to individualized parent-teacher conferences and reporting periods;

B. up to the equivalent of two (2) school days per year during which students are not required to attend due to professional meetings of teachers.

Additionally, in developing school calendar options, the Superintendent is reminded that hours scheduled above the minimum number will be considered "excess" and need not be made up if a school closes due to a calamity, so long as the actual hours the school is open for instruction remains above the statutory minimum number of hours. However, if a school closes enough that it falls below the minimum number of hours the school will be required to extend its scheduled school year in order to be open for the minimum number of hours. The Superintendent shall identify in his/her proposed school calendar the dates and times the District will be open for instructional purposes if it has to make up time in order to meet the statutory minimum number of hours.

The school calendar that the Superintendent recommends to the Board must include five (5) days for each regular week.

If the Superintendent intends to recommend a reduction in the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction

during the previous school year, the Superintendent must expressly notify the Board of the proposed reduction, which the Board must vote to approve.

Prior to recommending to the Board any change in the hours or days in which a District high school is open for instruction, the Superintendent must consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the District's high school's students are also enrolled. The Superintendent shall further consider the impact of the proposed change on a) student access to the instructional programs offered by the joint vocational school district, b) incentives for students to participate in career-technical education, c) transportation, and d) the timing of graduation. The Superintendent shall address the preceding issues when presenting school calendar options to the Board for its review and adoption. If the Board intends to change the hours or days in which the District high school is open for instruction, it must provide the joint vocational school district board with advance notice of the proposed change. The two (2) boards must then enter into a written agreement that prescribes reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

Additionally, prior to recommending to the Board any change in the hours or days in which a District school is open for instruction, the Superintendent must consider the compatibility of the proposed change with the scheduling needs of any community school to which the District is required to transport students. The Superintendent shall further consider the impact of the proposed change on a) student access to the instructional programs offered by the community school, b) transportation, and c) the timing of graduation. The Superintendent shall address the preceding issues when presenting school calendar options to the Board for its review and adoption. If the Board intends to change the hours or days in which a District school is open for instruction, the Board shall provide the sponsor, governing authority, and operator of the community school(s) with advance notice of the proposed change, and the Board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

Finally, prior to recommending to the Board any change in the hours or days in which the District schools are open for instruction, the Superintendent must consult with the chartered nonpublic schools to which the District transports students and consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. Similarly, the governing authority of a chartered nonpublic school must consult with the Superintendent if the District transports students to the chartered nonpublic school prior to making any change in the hours or days in which the nonpublic school is open for instruction.

© Neola 2014

ag8220

SCHOOL DAY

8210 - **SCHOOL DAY**

A. **Opening Exercises**

1. Each school day and special program may begin with the Pledge of Allegiance to the Flag.

2. Only those students who have conscientious scruples against such a pledge or salute, or are children of accredited representatives of foreign governments to whom the United States extends diplomatic immunity will be excused from repeating the Pledge of Allegiance. Such students should show respect by remaining silent.

B. **Announcements**

Principals may allow notices of general interest to be broadcast over the school loudspeaker at designated times in accordance with the following rules:

1. No announcement shall be read which has not been approved and initialed by the principal.

2. Announcements may be made for the following:

   a. any school-sponsored activity;

   b. organizations using District facilities for student activities;

   c. nonreligious, noncommercial, nonpolitical community groups

C. **Flag Display**

1. The American Flag, is to be flown at all schools on days when schools are in session.

2. Each respective building is responsible for raising and lowering the flag and for maintaining it in proper condition.(3x) The flags are flown at half-staff on order of the President or the Governor. They may not be flown at half-staff as a form of political or other dissent.

D. **School Assemblies**

The principal is responsible for the scheduling and operation of all assemblies in his/her building. Each assembly should be directly related to accomplishing one or more of the District's goals for students and should interfere as little as possible with the academic program.

E. **School Closings**

Whenever a school is closed due to a calamity such as hazardous weather, utility failure, and the like, all school-sponsored activities are to be considered cancelled until further notice or the resumption of school.

At the building level(s), if conditions improve later in the day, the Principal/Athletic Director will be responsible for recommending to the Superintendent which, if any, school-sponsored activities could take place. The recommendation is to be made using the following criteria:

1. Staff, students, and/or parents can be notified effectively and without unbudgeted costs about the necessary details related to attendance requirements, location, schedule, and conduct of the activity.

2. The staff needed to conduct the activity properly is available and there are no unscheduled or unapproved costs to the District.

3. Students have been informed that their participation is not required and they will not be penalized for nonparticipation.

4. Any necessary transportation is readily available and the road conditions have been deemed to be safe by the local police, sheriff's department, or the highway patrol.

   If the activity has been scheduled to take place at a nondistrict location, particularly at another school district, the Principal should determine whether or not the activity is still scheduled and the weather and other conditions between the District and the location and at the location.

If the activity is to take place within the District, it can be scheduled providing the above criteria have been met. However, regardless of the location of the activity, the Principal should have determined how many of the District's students who would normally participate will not be participating and what will be the effect of their absence.

© Neola 2010

ag8310A

PUBLIC RECORDS

8310A - **PUBLIC RECORDS**

The School District's public records are available for public inspection and/or copying in accordance with State law.

Designation of Officers

The Treasurer/designee shall be the District Records Officer (DRO).

Definitions

"Public record" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District.

"Public record" does not mean any of the following: medical records; documents containing genetic information; trial preparation records; confidential law enforcement investigatory records; and other records the release of which is prohibited by State or Federal law including, but not limited to, student personally identifiable information and student directory information when the student's parents have affirmatively withdrawn consent for release of it in writing.

"Electronic record" includes any record having been created, generated, sent, communicated, received, or stored by electronic means.

"Redaction" means obscuring or deleting any information that is exempt from public inspection or copying from an item that otherwise meets the definition of a "public record."

Location and Time

Public records are to be available for inspection during regular business hours, with the exception of published holidays. The District shall organize and maintain public records in a manner such that they are promptly made available for inspection or copying. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested. No record shall be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.

While the District is responsible for promptly preparing and making available public records, State law does not require the District to provide additional information that may be related to a record but is not part of a record. In addition, the District is not required to create a new record to respond to a public request for information if no public record is available that is responsive to the request or to respond to requests for information when the information requested is not contained in a public record.

While personnel files contain public records, some specific information and/or records contained in such files may be confidential and not subject to disclosure (see AG 8320).

Procedures

The following procedures shall be followed in connection with requests to inspect and secure copies of the School District's public records:

A. Requests to inspect and/or obtain copies of public records shall be submitted to the Superintendent/designee. A public records request must at least identify the records requested with sufficient clarity to allow the District to identify, retrieve, and review the records. If it is not clear what records are being sought, the DRO shall contact the requester for clarification.

B. Individuals requesting to inspect and/or obtain copies of public records do not have to put records requests in writing and do not have to provide their identity or the intended use of the requested public record(s).

Each request shall be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both draft and final form), budgets, salary information, forms and applications, personnel roster, etc. If fewer than twenty (20) pages of copy are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as equipment allows.

All requests for public records must either be satisfied (as above) or be acknowledged in writing by the DRO promptly following the District's receipt of the request. If the request for records was in writing, the acknowledgment shall also be in writing.

If a request is deemed significantly beyond "routine" (such as seeking a large volume/number of copies or requiring extensive research), the acknowledgement must include the following:

A. an estimated number of business days necessary to satisfy the request

B. an estimated cost if copies are requested

C. any items within the request that may be exempt from disclosure and the reason for such exemption, including legal authority

With respect to public records that are determined to be available, the Treasurer/designee will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee.

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

With respect to records that are determined not to be available, the Treasurer/designee will notify the requester of same, noting the reason for unavailability on the request form if one is submitted, and return one (1) copy of the form to the requestor.

The Treasurer/designee shall also notify the requester of the estimated time necessary to process and fulfill the request, make arrangements with the requester for delivery of the requested records, and arrange a method of communication between the requester and the School District in the event that further information is needed by the District to fulfill the request.

Fees

Upon request, copies of public records will be provided at the actual cost of making copies:

A. The charge for paper copies is ten cents ($0.10) per page.

B. The charge for downloaded computer files to a compact disc is $1.00 per disc.

C. There is no charge for documents e-mailed.

A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and mailing supplies.

Electronic Mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the District (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the District are responsible for retaining e-mails that meet the definition of public records and copying them to their District e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the District. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the District's organization, functions, policies, decisions, procedures, operations, or other activities are not public records. Although private records do not fall under Policy 8310 - "Public Records" or this guideline, they may fall under Policy 8315 - "Information Management" or AG 8315 - "Litigation Hold Procedure."

RETENTION OF RECORDS

The President of the Board of Education, the Superintendent, and the Treasurer/CFO serve as the District Records Commission. The Commission shall meet as needed, at least annually, to review applications for one-time records disposal and schedules of records retention and disposition submitted by any employee of the District. The Commission will also review the Board's records retention schedule appropriate. The Commission will utilize the model retention schedule developed by the Ohio History Connection, which is available at https://www.ohiohistory.org/research/local-government-records-program/local-retention-schedules-forms/#rc.

A copy of the adopted retention schedule will be maintained by the Commission and distributed to appropriate school employees. The District Records Commission is responsible for completing an "Application for One-time Disposal of Obsolete Records" Form RC-1, and for developing the District's "Schedule of Records Retention and Disposition" - Form RC-2. Both forms must be submitted to and approved by the Ohio History Connection and the

State Auditor. Subsequent revisions to the RC-2 Form must also be approved using this same process. Only in conformance with the approved "Application for One-time Disposal of Obsolete Records - Form RC-1" or the "Schedule of Records Retention and Disposition - Form RC-2" may the District's Records Commission review applications for the disposal of obsolete records. The District Records Commission will utilize the "Certificate of Disposal Form" RC-3 when required as indicated by the Ohio History Connection on the approved RC-2 form.

To facilitate the development, updating, and/or revision of the Schedule of Records Retention and Disposition, and in reviewing requests for disposal of obsolete records, the District Records Commission shall utilize the following guidelines recommended by the State Auditor's office.

(Please Note: The State Archives retains RC-2 forms permanently. It is strongly recommended that the Records Commission retain a permanent copy of this form.)

This schedule lists records commonly created by school districts, educational service centers, and career technical schools. The retention periods specified herein are either required by statute or have been determined by best practice. Local Records Commissions may edit retention periods based on the administrative, fiscal, legal, and historical value of the records.

The local school district, education service center, or career technical school should also notate the media type of the records on the schedule in column 4. The records can be maintained on separate formats (i.e. paper and electronic) for different amounts of time.

Permanent records existing solely in electronic format may become inaccessible through media decay and/or hardware/software obsolescence. The Ohio History Connection recommends that digital records with greater than a ten (10) year retention period also be maintained in either paper or microfilm formats.

Records may not be disposed of until all audits are released and audit discrepancies have been settled. Where a lawsuit or agency proceeding is pending, a legal hold on relevant records is required. Records shall be retained until the legal hold has been removed.

ELECTRONIC MAIL (e-mail) is a format on which records are sent, received, and/or drafted using electronic mailing systems. E-mail is NOT a record series. Instead, each individual e-mail should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits.

Before this records retention schedule is considered in effect for a particular school district it must first be signed by a local responsible official and local records commission chair, the State Archives, and the State Auditor’s Office.

https://www.ohiohistory.org/wp-content/uploads/2022/02/School-Retention-Suggested-Schedule.pdf

Revised 7/19/18

© Neola 2023

ag8310B

REDACTION OF NON-PUBLIC INFORMATION/RECORDS

8310B - **REDACTION OF NON-PUBLIC INFORMATION/RECORDS**

While the public is guaranteed access to the District's public records, the District has a further duty to respect the privacy rights of its employees. As such, the District recognizes that not all information contained in an employee's personnel file is subject to public disclosure. Consequently, the District will redact confidential or other information identified under State law as not subject to public disclosure prior to responding to a public records request (be it a request to inspect and/or receive a copy of the public record). To redact information means to black-out or remove the non-public information from an otherwise public record before public disclosure of the record.

The following information and/or items are not subject to public disclosure, and shall be redacted from a public record prior to disclosure of the record:

A. Social Security numbers (State ex rel. Beacon Journal Publ. Co. v. City of Akron, 70 OS 3d 605 (1994));

B. Medical Records

1. documents or combinations of documents that pertain to a patient's medical history, diagnosis, prognosis, or medical condition, and that is generated and maintained in the process of medical treatment (R.C. 149.43(A)(1)(b));

2. documents or combinations of documents that contain genetic information of an applicant, employee, or former employee (GINA);

C. all information regarding a participant's account in Ohio's public employees deferred compensation program (including, but not limited to, contribution amounts identified in W-2 forms);

D. criminal records check (e.g., BCII reports) (R.C. 3319.39(D));

E. student records containing personally identifiable information which is not otherwise directory information (R.C. 149.43(A)(1)(a); FERPA);

F. trial preparation records (R.C. 149.43(A)(1)(g));

G. information pertaining to the recreational activities of a person under the age of eighteen (18) (R.C. 149.43(A)(1)(r));

H. State Teacher Retirement System records (R.C. 3309.22 and R.C. 3307.20):

1. the individual's personal records provided for in R.C. 3307.23

2. the individual's personal history record

3. any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual

4. all medical reports and recommendations under R.C. 3307.62, 3307.64, and 3307.66

I. State Employees Retirement System records (R.C. 3309.22 and R.C. 3307.20):

1. the individual's statement of previous service and other information as provided for in R.C. 3309.28

2. any information identifying by name and address the amount of monthly allowance or benefit paid to the individual

3. the individual's personal history record

4. all medical reports and recommendations required by the system

J. employee's personal contact information that is maintained for administrative convenience (e.g., the employee's home address, home telephone number, and personal e-mail address) (State ex rel. Dispatch Printing Co. v Johnson (2005) 106 Ohio St. 3d 160), unless:

1. such information is necessary to document the employee's compliance with an employment requirement that the employee live in a specific geographic area, or

2. the personal contact information is also the employee's work contact information (e.g., the employee's work address is also the employee's home address, the employee's work telephone number is also the employee's home telephone number, and/or the employee's work e-mail address is also the employee's personal e-mail address

K. any other information/records the release of which is prohibited by State or Federal law. Some primary examples are:

1. security records, including a school safety plan (R.C 149.433);

2. infra-structure records (does not include simple floor plans) (R.C. 149.433);

3. attorney-client privileged documents - see, for example State ex rel. Nix v. City of Cleveland 83 Ohio St. 3d 379 (1998).

Redactions

Redactions are considered denials and, therefore, in making such deletions, districts should report the legal authority that serves as the basis for the removal of this information.

Additionally, to the extent that an item is not a public record and is "personal information," the District is under an affirmative duty to prevent its disclosure. "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."

TRANSMISSION OF RECORDS AND OTHER COMMUNICATIONS

8310D - **TRANSMISSION OF RECORDS AND OTHER COMMUNICATIONS**

With the increasing use of fax machines and electronic mail to transmit records and other information, it is imperative that all staff members keep in mind that protection of confidentiality is not guaranteed. Therefore, any information that is considered to be confidential (e.g., student personally identifiable information; confidential information about an employee) should not be transmitted by such means, unless the staff member complies with the procedure set forth below for sending student personally identifiable information to a parent's fax number or e-mail address, or the records are being sent to an agent of the Board of Education and the means of the communication has been tested to confirm its integrity.

Parents who elect to communicate with a staff member via e-mail are required to keep the District informed of any changes to their e-mail address.

Staff members who communicate with parents via e-mail are reminded that such communication constitutes an educational record and must be maintained by the District as part of the student's educational file. (1) Print out all e-mails and place in student's file; (2) Save e-mail messages to a specific file/folder on the District's server, which is routinely backed up, so it can be easily accessed as a part of the student's educational records;

E-mail messages from staff members must contain the following signature block:

Teacher's Name

Building; Phone Number

CONFIDENTIALITY NOTICE: This message may contain student personally identifiable information that is confidential. Such information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you receive this e-mail message in error, please immediately notify me to arrange for the return of the original document to me. Please also delete the message from your computer. Thank you.

Facsimiles from staff members that contain student personally identifiable information must be accompanied by a fax cover page that contains a Confidentiality Notice substantially similar to the one set forth above for e-mail messages.

Whenever other parties indicate that they intend to send information of a confidential nature by fax or electronic mail, they should be reminded that the District is unable to guarantee the confidentiality of any such information during transmission.

ag8310E

RECORDS RETENTION AND DISPOSAL

8310E - **RECORDS RETENTION AND DISPOSAL**

Ohio law states that "any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by, or coming under the jurisdiction of any public office of the State or its political subdivisions which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office" is a record. R.C. 149.011(G).

Records may be disposed of by the Commission as outlined below. The Commission may, at any time, review any schedule it has previously approved, and for good cause shown may revise that schedule.

Records Commission

The President of the Board of Education, the Superintendent, and the Treasurer serve as the District Records Commission. The Commission shall meet as needed, at least annually, to review applications for one-time records disposal and schedules of records retention and disposition submitted by any employee of the District. The Commission will also review the Board's records retention schedule annually and will update the schedule as appropriate. A copy of the adopted retention schedule will be maintained by the Commission and distributed to appropriate school employees. Notice of the time, place, and purpose of each Commission meeting shall be publicized through the District’s special meeting notice procedures sent to the media as well as any other person who has requested such notice at least twenty-four (24) hours in advance of the meeting. The meeting notice will also be posted on the District's website.

Records Disposition Procedure

To properly dispose of records that are no longer required for the current operation of the School District, are of no further administrative, legal, or fiscal value to the School District or its citizens, and are not required to be retained by any statute or regulation, the following steps are to be followed by the Commission and all employees:

A. Review the "Records Retention Schedule" in AG 8310A - Public Records to determine documents eligible to be destroyed. Place common records into boxes and clearly mark the box as to contents and dates.

B. Prepare an "Application for One-Time Records Disposal" - RC-1 or "Schedule of Records Retention and Disposition" - RC-2 (Ohio History Connection).

C. The building principal or other department head must approve the application.

D. Submit the application to the Treasurer and retain one (1) copy of the application.

E. Wait! Do not destroy records until you receive authorization to do so from the District Records Commission. The disposal application must first be reviewed by the District Records Commission and then submitted to the Ohio History Connection ("OHC") and the Auditor of the State of Ohio. The OHC shall review the application or schedule of records retention and disposition within sixty (60) days of its receipt of it, and shall then forward the application or schedule to the Auditor. The Auditor shall approve or disapprove the application or schedule within sixty (60) days after receipt of it.

F. Prepare a "Certificate of Records Disposal"- RC-3 - when required to do so by the OHC as indicated on the approved "Schedule of Records Retention and Disposition" - RC-2 (Ohio History Connection).

G. Have the disposal certificate signed by the building principal or other department head.

H. Submit the certificate to the Treasurer and retain one (1) copy.

I. Wait! The OHC has fifteen (15) business days to select for its custody any public records it considers to be of continuing historical value. The OHC may not review or select any confidential records, the release of which is prohibited by State or Federal law including, but not limited to, records containing personally identifiable information concerning any student, other than directory information (see Policy 8330 and AG 8330), without the written consent of the student's parent, or the student if age eighteen (18) or older.

J. Dispose of records upon receipt of, and in accordance with, the instructions of the District Records Commission.

© Neola 2023

ag8320

PERSONNEL RECORDS

8320 - **PERSONNEL RECORDS**

Certain information concerning District employees is confidential, to be reviewed on a need-to-know basis and only under conditions which guarantee protection of both management's right to access information and the employee's right to unnecessary invasion of privacy. Most information in the personnel files, however, is not confidential and is available for inspection in accordance with State law. The District shall, however, refrain from disclosing an employee's social security number when releasing personnel records.

INITIAL EMPLOYMENT

Upon employment, each employee is to submit for the:

A. **Personnel File**

1. a completed employment application form and/or resume

2. a copy of a current, valid license, if applicable

3. transcripts, if applicable

B. **Payroll File**

1. W-4 forms

2. retirement registration

3. completed forms for life and disability insurance without medical examination portion

4. completed annuity forms

5. payroll deduction authorization

6. accumulated sick leave, if applicable

C. **Confidential File**

1. applications for health insurance

2. record of a recent physical examination

3. history of any medical treatment

4. criminal history record check

5. results of drug tests

Professional staff members shall also be responsible upon employment, for providing a complete transcript of their education and records of all prior teaching experience.

All information concerning employees' health status, including mental or physical examinations and treatments are to be kept in a confidential file. Access is limited to the employee, the employee's supervisor, the Superintendent and other central office administrators who have a supervisory relationship to the employee, and others authorized by law.

CONTENTS

During the period of employment the following data shall be maintained in personnel files:

A. current correct name, address, and telephone number

B. current data on education completed, including transcripts of all academic work

C. an accurate record of work experience

D. proof of fulfillment of requirements for change in salary classification

E. current data pertaining to certificates required by the State

F. record of assignments

G. proof of discharge from military service

H. Rate of compensation

I. completed evaluations

J. disciplinary incidents

K. special awards or distinctions

L. letters and other correspondence received concerning a staff member, providing the correspondence is relevant to his/her employment

Employees who wish to review their own personnel file shall:

A. request access in writing;

B. review the record in the presence of the administrator designated to maintain said records or designee;

C. make no alterations or additions to the record nor remove any material therefrom;

D. sign and date a log attached to the file. (see Form 8320 F1)

Employees who wish copies of material in their personnel file shall request copies in writing.

Employees wishing to appeal material in their record shall make a request in writing to the Superintendent and specify therein (see Form 8320 F3):

A. name and date;

B. materials to be appealed;

C. reason for appeal.

The Superintendent/Principal shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law. (see Form 8320 F4)

The Superintendent/designee shall maintain a written record of any persons other than the employee who have had access to each employee's file.

Although most information in personnel files is a matter of public record, only verification of employment should be provided by telephone request. Any other information about an employee should be requested in writing or in person and addressed to the District Records Officer (DRO).

In accordance with State law, disciplinary action will be taken against any member of the staff who initiates or otherwise contributes to any disciplinary or other punitive action taken 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 District's personal information system.

© Neola 2008

ag8320.01

CRITERIA FOR PERSONAL INFORMATION SYSTEM

8320.01 - **CRITERIA FOR PERSONAL INFORMATION SYSTEM**

This guideline identifies the criteria relevant to the development of the District's Personal Information ("PI") system. The District's PI system shall be maintained and operated in accordance with the provisions of R.C. Chapter 1347. Only personal information that is necessary and relevant to the effective operation of the District shall be collected, maintained and used.

"Personal information" means 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. To that end, the following components shall be included in the operation of the system:

A. Identification of the person responsible for the PI system.

B. Rules that provide for the operation of the system.

C. Procedures for informing each employee who has responsibility for the operation or maintenance of the PI system, or the use of personal information maintained in the system, of the applicable provisions of R.C. Chapter 1347 and the rules adopted for the operation of the PI system.

D. Identification of the disciplinary measures to be applied to 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. The disciplinary action identified shall be consistent with State and Federal law and any applicable collective bargaining agreement(s), and may include action up to and including termination.

E. Procedures for informing each person who is asked to supply personal information for the system whether the person is legally required to provide the information or may refuse to supply the information.

F. Procedures for monitoring the accuracy, relevance, timeliness, and completeness of the personal information in the system.

G. Direction to maintain the personal information in the system with accuracy, relevance, timeliness, and completeness.

H. Identification of the reasonable precautions to be taken to protect personal information in the system from unauthorized modification, destruction, use, or disclosure.

I. Direction to collect, maintain, and use only personal information that is necessary and relevant to the functions that the District is required or authorized to perform, and to eliminate personal information from the system when it is no longer necessary and relevant to those functions.

Each employee who has any responsibility for the operation or maintenance of the PI system, or the use of personal information maintained in the system, shall be provided a copy of any rules that are promulgated regarding the system and shall be trained in how to comply with the rules and the relevant provisions of the law.

© Neola 2012

ag8325

RECEIPT OF LEGAL DOCUMENTS

8325 - **RECEIPT OF LEGAL DOCUMENTS**

Service of Process on the Board of Education

In suits against the Board, only the Board President, Superintendent, or Treasurer accepts service on behalf of the Board.

Service of Legal Documents on Board Employees

If a Board employee is served with legal documents (1) directing him/her to testify at a deposition or hearing related to issues that fall within his/her employment responsibilities, or (2) requesting the District produce certain public records, student education records, or other documents or electronically stored information maintained by the Board, the employee is directed to follow the following procedures.

Questions shall be directed to

A. the Superintendent.

B. the Custodian of Records.

C. the school Principal or site administrator of the school or site where the records are located.

Policy 8325 requires an employee served with legal documents - in his/her official capacity as a Board employee - to provide copies of the documents to his/her Principal or site administrator immediately.

Subpoenas

The Board prefers personal service by a process server. The District does not accept faxed subpoenas, but will accept service by mail.

If the subpoena was faxed, return the subpoena to the sending party accompanied by Response to a Faxed Subpoena (Form 8325 F1).

Questions about subpoenas should be directed to the Superintendent.

Determining Jurisdiction

In conjunction with the Board attorney, determine whether the subpoena or order is from a State or Federal court having jurisdiction in Ohio, or a hearing officer or other individual or entity authorized to issue subpoenas or orders in Ohio.

If it is determined that the subpoena or court order is not from a court, hearing officer, or other individual or entity having jurisdiction in Ohio, the Board will not comply with it. The decision not to comply with a subpoena or court order shall not be made until after the employee consults with the Superintendent, the Board attorney.

If the subpoena or court order is proper, the employee should date-stamp and initial it.

Complying with the Subpoena or Order

Subpoenas:

Whether the Board responds to a subpoena depends on numerous legal and factual issues. As a result, when the District receives a subpoena, forward it promptly to Board counsel for review. Counsel will determine whether the requested documents and/or information will be released or withheld. For example, counsel may withhold student records, privileged information, or other confidential documents.

If Board counsel determines that the Board should respond to a subpoena seeking student records and/or personally-identifiable student information, take the following steps:

A. Locate the records.

B. Check the subpoena's due date. Because it requests confidential information, the Board will need to notify the student's parentsfourteen (14) days in advance of the due date to give them a chance to object to the court. If the District doesn't have enough time, the employee should contact the requesting attorney, ask for an extension, and document consent in writing. If the attorney refuses to grant an extension, contact Board counsel.

C. Notify parents fourteen (14) days in advance of production of the records. Send Form 8325 F3 (Form 8325 F4 if the student is eighteen (18) or over) to the student's last known address, with a copy of the subpoena and the information requested. Consider calling the parent or eligible student in addition to sending the form. Retain a copy of the form in the student's cumulative folder, and document any attempts to reach the parents/eligible student.

D. Parent Response. If a parent/eligible student objects and the court quashes the subpoena, the court will let you know. If the court does not notify the Board within fourteen (14) days from the date the subpoena is received, the Board should comply with the subpoena. If the parents/eligible student contact the Board within that period, the employee should explain that they must contact their attorney or the court to file an objection. It is critical to recognize that the parents, eligible student, or their attorney cannot relieve the Board or its employees from the obligation to respond to a subpoena. Only the court or the requesting attorney may do so and that release must be received in writing.

E. Compliance. Absent a court directive to the contrary, allow fourteen (14) days to elapse, and then comply with the subpoena by providing the requested records. Supply copies of only those documents requested. If requested to certify the authenticity of the documents, do not use a form provided with the subpoena. Use the Certificate of Authenticity form (Form 8325 F5).

If a subpoena requests public records (as defined in R.C. 149.43; see Board Policy 8310), the District may respond without seeking the Board attorney's advice. After receiving such a subpoena, the employee should locate and review the records, determine whether they contain any confidential or privileged content, redact such confidential or privileged content (if applicable), and provide copies of the records (including any necessary redactions) to the requesting party. The Board attorney should be consulted if there are any questions concerning whether a requested document is a public record or contains confidential or privileged content. Retain a copy of the subpoena and records disclosed. As explained below, a (Principal, Superintendent, Board attorney, or staff attorney) must review the records before an employee releases them.

Court Orders:

When a court orders the District to provide particular records or information, take the following steps:

A. Provide a copy of the order to the Superintendent .

B. If needed, consult with the Board attorney to determine whether the order requires legal action.

C. Locate and review the responsive records. In consultation with the Board attorney, redact confidential and/or privileged content from the documents as may be appropriate.

D. Check the order's due date. Verify you have sufficient time to respond. If the order requires the production of confidential student personally identifiable information, the Board will need to notify the student's parents fourteen (14) days in advance of the due date to give them a chance to object to the court. If the District doesn't have enough time to respond, contact the requesting attorney, ask for an extension, and document consent in writing. If the attorney refuses to grant an extension, contact the Board attorney. If the order requires the production of public records or other information that is not confidential and/or privileged, the District should produce the documents requested by the order, or make the Board employee available for attendance at the deposition or hearing.

E. Notify parents fourteen (14) days in advance of complying with the order. Send Form 8325 F3 (Form 8325 F4 if the student is eighteen (18) or over) to the student's last known address, with a copy of the order and the information requested. Consider calling the parent or eligible student in addition to sending the form. Retain a copy of the form in the student's cumulative folder, and document any attempts to reach the parents/eligible student.

F. Parent Response. If a parent or eligible student objects and the court rescinds its order, the court will notify the Board. If the court does not notify the Board within fourteen (14) days from the date the order is received, the Board should comply with the order. If the parents / eligible student contact the District, the employee should explain that they must contact their attorney or the court to file an objection. It is critical to recognize that the parents, eligible student, or their attorney cannot relieve anyone from the obligation to respond to a court order. Only the court may do so and that release must be received in writing.

G. Compliance. Absent a court directive to the contrary, allow fourteen (14) days to elapse, and then comply with the order by providing the requested records. Supply copies of only those documents requested. If requested to certify the authenticity of the documents, use the Certificate of Authenticity form (Form 8325 F5).

If you are unable to locate the requested records/information, call Treasurer/designee for assistance.

A charge shall be assessed for copies made in compliance with a subpoena or order plus the amount of postage to mail. The following fees are authorized:

A. up to ten cents ($0.10) per one-sided copy for duplicated copies of not more than fourteen (14) inches by eight and one-half (8 1/2) inches;

B. no more than an additional five cents ($0.05) for each two-sided copy; and

C. for all other copies, the actual cost of duplication of the record.

The invoice for these charges shall be sent to the requesting attorney.

The Principal or site administrator should release only the records specifically identified in the subpoena or order. Before releasing the responsive records, the Principal or site administrator should review them with the Superintendent and/or Board attorney.

When information must be developed or summarized from the student's education records, the Principal or site administrator should submit a draft to the Superintendent for his/her review.

Before releasing that information the responding employee should file in the student's cumulative folder: (1) a copy of all responsive documents; (2) a statement explaining why the documents were copied or prepared and the procedures followed before releasing them; (3) a copy of the subpoena or court order; (4) the Notification Letter; and (5) any correspondence with the requesting attorney. The employee should also note compliance with the subpoena or order on the Records Review Log (Form 8325 F6).

If doing so is in the Board's best interest, the Principal or site administrator or Board attorney shall accompany the employee to the deposition or hearing.

Actions/Litigation Against the Board

In actions against the Board, it is not unusual for Board employees to be served with subpoenas and/or called as witnesses in their official capacities. Board legal counsel and the Superintendent will assist Board employees in these matters.

© Neola 2014

ag8330

STUDENT RECORDS

8330 - **STUDENT RECORDS**

Student records shall be maintained in accordance with Board of Education Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated District functions.

Education Records, as defined in 34 C.F.R. 99.3 (Family Educational Rights and Privacy Act), means those records, files, documents, and other materials that are: (1) directly related to a student; and (2) maintained by the Board or by a party acting for the Board. "Record" means any information recorded in any way, including, but not limited to: handwriting; print; computer media; tape; film; microfilm and microfiche.

Student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent(s) 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 term, Education Records, does not include:

A. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto that are:

1. kept in the sole possession of the maker thereof; and

2. used only as a personal memory aid; and

3. not accessible or revealed to any other person except a temporary substitute for the maker of the record;

   For the purpose of this definition, a "substitute means an individual who performs on a temporary

basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position."

B. records maintained by a law enforcement unit (e.g., School Resource Officer) of the School District that were created by that law enforcement unit for the purpose of law enforcement;

C. records relating to an individual who is employed by the Board, that:

1. are made and maintained in the normal course of business;

2. relate exclusively to the individual in that individual's capacity as an employee; and

3. are not available for use for any other purpose;

Records, however, relating to an individual at the District who is employed as a result of his/her status as a student are education records.

D. records on a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, that are:

1. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity, or assisting in a paraprofessional capacity; and

2. made, maintained, or used only in connection with treatment of the student; and

3. disclosed only to individuals providing the treatment (except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the educational agency or institution;

E. records created or received by the Board after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (e.g. information pertaining to the accomplishments of alumni);

F. grades on peer-graded papers before they are collected and recorded by a teacher.

The student's school record shall contain the following information that shall be retained permanently or for one hundred years:

A. name, address, and telephone listing of parent (see Form 8330 F1);

B. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number;

C. attendance records;

D. grades and/or transcripts;

E. standardized and/or mandated achievement test data, including proficiency/diagnostic assessment/achievement test records that include the date each student meets the proficient level for the test administered; and

F. date of graduation and/or transfer or withdrawal.

The student's education records shall contain, if applicable to the individual, the following information, to be retained for the period of time designated in the schedule of records retention, AG 8310A:

A. health and medical information;

B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records;

C. awards and recognitions;

D. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program; and

E. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records.

Whenever the District is notified by a law enforcement agency that a missing child report has been filed regarding a student who is currently, or was previously, enrolled in the District, the staff member in charge of admission shall mark that student's records in such a manner that whenever a copy of or information regarding the records is requested, any school official responding to the request is alerted to the fact that the records are those of a missing child. Thereafter, if the District receives a request for a copy of or information regarding the missing student's records, the staff member in charge of admission immediately shall report the request to the law enforcement agency that notified the school that the student is a missing child. When responding to the request for a copy of or information from the missing student's records, the staff member in charge of admission shall do so in such a way that the receiving district or school is unable to discern that the student's records are marked as identifying the student as a missing child.

The District shall retain the mark in the student's records until notified that the student is no longer a missing child. Upon notification by a law enforcement agency that a student is no longer a missing child, the staff member in charge of admission shall remove the mark from the student's records in such a way that if the records are forwarded in the future to another district or school, the receiving district or school will be unable to discern that the records were ever marked.

The District will dispose of student education records in groups based on the student's date of birth. Prior to disposing of student educational records, the District shall make reasonable attempts to contact students by:

A. posting a notice regarding the intent to dispose of student education records on the District's website for a period of thirty (30) days; or

B. posting a notice regarding the intent to dispose of student education records in the "Legal Notices" section of a newspaper of general circulation in the District;

The notice will be posted in the newspaper of general circulation at least twice over a period of thirty (30) days including notice regarding the intent to dispose of student education records, in the District's.

The District shall not destroy any student education record if there is an outstanding request to inspect and review the record.

Once the student either consents in writing to the disposal of the school record or fails to respond to the District's notices, an application for one (1) time records disposal will be made to the local records commission in accordance with AG 8310A. Upon approval of the disposal, the application will be sent to the Ohio History Connection and the Auditor of State, respectively, for review and approval. It is understood, however, that the Ohio History Connection may not view or select for its custody records that contain a student's personally identifiable information, without the written consent of the student (if s/he is eighteen (18) years of age) or his/her parents.

Disposal of Records of Students with Disabilities (or Disabled Students)

If a student is identified as a student with a disability under the Individuals with Disabilities Education Improvement Act ("IDEIA") or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Custodian of Records (COR) shall:

A. maintain the student's education records, which includes those records identified on page three (3) of this guideline and information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the IDEIA, Section 504, or other applicable State law and regulations, for five (5) years after termination of special education programs, services, and/or graduation; and

B. only destroy such education records after notifying the parents/eligible students that the information is no longer needed to provide educational services and will be destroyed.

The COR should remind them that the records may be needed by the student or the parents for Social Security benefits or other purposes (see Form 8330 F8).

The applicable school record on a disabled student shall be retained permanently in the same manner as the school record for a non-disabled student.

Responsibility

The COR shall be the building principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents or eligible student have so requested, and other personally identifiable information in the education records. The COR is responsible for the implementation of this Board's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use or otherwise have access to student records of this Board's policies and procedures on confidentiality.

The District's Records Officer (DRO) shall prepare an annual notice to parents/eligible students that informs them of their rights to (see Form 8330 F9):

A. inspect and review the student's education records; request amendment to the records if the parent or eligible student believes the information to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

B. limit the disclosure of personally identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;

C. request a hearing if the Board refuses to amend records believed by the parent or eligible student to be misleading or inaccurate and to file a complaint with the United States Department of Education if the parent/eligible student is dissatisfied with the results of the hearing;

D. obtain a copy of the Board's policy on student records.

The notice may be in the form of a section of the District's newsletter and/or the student handbooks (see Form 8330 F9).

Ongoing Maintenance of Records

A. **Public Listing of Authorized Employees** (see Form 8330 F2)

Each COR shall maintain a current listing of those employees and other persons, approved by the DRO, authorized to access personally-identifiable information housed at the location specified.

Each COR shall post and maintain the listing for public inspection at his/her respective location.

B. **Types and Location of Records**

The DRO shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.

The list shall be provided to parents/eligible students upon request.

Education records shall be stored in secured facilities and/or equipment, and shall be available only to those specified in policy or these guidelines. Reasonable and appropriate methods (including but not limited to physical and/or technological access controls) shall be 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 COR is directed to utilize reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the District discloses personally identifiable information from education records.

C. **Consent to Disclose Information** (see Form 8330 F4 and Form 8330 F8)

1. Whenever there is a request for a copy of information from a student's record, the COR shall obtain written and dated consent, prior to disclosure of records, from parents/eligible students, that includes:

    a. the records that may be disclosed;

    b. the purpose for which the disclosure may be made;

    c. the party or class of parties to whom the disclosure may be made;

    d. whether or not the parents/eligible students wish to have a copy of the records disclosed and/or, if the student is not an eligible student, whether the Board should provide that student with a copy of the disclosed record.

    e. Signed permission should be obtained from eligible students prior to allowing their parents access to the records, provided the student is not considered a dependent under Section 152 of the Internal Revenue Code.

2. Prior consent will not be needed if:

a. the disclosure is to school officials, including teachers, who have a legitimate educational interest (as defined by Board policy) in the information;

In order for a contractor, consultant, volunteer or other party to whom the Board has outsourced institutional services or functions to be considered a school official, the outside party must:

1. perform an institutional service or function for which the Board would otherwise use employees;

2. be under the direct control of the Board with respect to the use and maintenance of education records; and

3. be subject to applicable provisions governing the use and re-disclosure of personally identifiable information from education records;

b. the disclosure is to another school, school district, or postsecondary institution, as stated in Board policy;

c. the disclosure is, subject to the conditions set forth in applicable Federal and/or State statutes and/or regulations, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or State and local educational authorities;

d. the disclosure is in connection with a student's application for or receipt of financial aid; (See section below entitled: "Disclosure for Student Financial Aid");

e. the disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Disclosures pursuant to this paragraph are limited to circumstances when the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; the information is destroyed when no longer needed for the purposes for which the study was conducted; and the Board enters into a written agreement with the organization that contains all the content required by applicable Federal regulations.

This written agreement will 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 must be destroyed.

f. the disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or State and local authorities, and is made for the purpose of conducting an audit or evaluation of a Federal or State supported education program, or to enforce or comply with Federal requirements relating to those programs;

A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement 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 must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Pursuant to the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will 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 will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will 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 will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

g. the disclosure is to accrediting organizations to carry out their accrediting functions;

h. the disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;

i. the disclosure is to comply with a judicial order or lawfully issued subpoenas; Disclosures permitted by this paragraph may only occur after the Board makes a reasonable effort to notify the parent or eligible student of the order or subpoena, so the parent or eligible student may seek protective action, unless the disclosure is authorized by applicable Federal regulations. The Board need not notify the parent when the parent is a party to a court proceeding involving child abuse and neglect (as defined in Section 3 of the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding. Additionally, if the Board initiates legal action against a parent or student, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to proceed with the legal action as plaintiff. Likewise, if a parent or student initiates legal action against the Board, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to defend itself.

j. the disclosure is in connection with a health or safety emergency; (See section below entitled: "Emergency Release");

k. the disclosure is information the Board has designated as "directory information";

l. the disclosure is to the parent of a student who is not an eligible student, or to the student;

m. the disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the Board pursuant to that law and its implementing regulations;

n. the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, provided the officials to whom the records are released certify, in writing, to the District that the information will not be released to a third party, except as provided by State law, without the prior written consent of the parents;

o. the disclosure is to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization as defined in Federal law, who has the right to access a student's case plan as determined by the agency or organization, when such agency or organization is legally responsible for the care and protection of the student provided the education records and personally identifiable information will not be unlawfully released to third parties;

The agency or organization may release the education records and personally identifiable information to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive such disclosure and such disclosure is consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records.

p. the disclosure is authorized by other sections of State or Federal laws and regulations.

3. De-identified Records and Information - The District may release education records without prior consent if all personally identifiable information has been removed provided the administration (i.e., the DRO and COR) have made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

4. No person shall release to a parent of a student who is not the residential parent or any other person any information about the school to which the student has transferred or that would enable the parent who is not the residential parent to locate the student if the school to which the student has transferred informs this District that the student is under the care of a shelter for victims of domestic violence as defined in R.C. 3113.33.

Parents: Disclosure, Inspection, Review of Records

The COR shall permit parents/eligible students, upon request, to retrieve information from and to inspect and review, records that are maintained by the District that relate to the student's education. The following conditions

shall apply:

A. At times, agencies or individuals outside the District provide the District with information necessary and relevant to the student's education.

Confidential information that is in a student's record from an outside professional or agency may be released to or accessed by the parent through the originator. Such information may be provided to the District only with the written consent of the parent.

Upon parental request the Board will notify the parent with the date and source of any record generated outside the District so that parents may access these records through the originator.

B. If any education record includes information on more than one (1) student, the parents/eligible student shall have the right to review and inspect only the part of the record that relates to the student, or to be informed of that specific information.

C. The request for access to records must be honored within a reasonable period, but in no case later than forty-five (45) days from receipt of the request. Requests to inspect and review education records that are collected, maintained or used by the District with respect to students with disabilities must be honored without unnecessary delay, and before any meeting regarding an individualized educational program (IEP), hearing relating to the identification, evaluation, or placement of the student, or resolution session, and in no case more than forty-five (45) days after the request was made.

D. The parents/eligible students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent that:

1. specifies the records that may be disclosed;

2. states the purpose of disclosure;

3. identifies the party or class of parties to whom the disclosure may be made.

E. The Board shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/eligible students request an opportunity to inspect and review records, a written request is necessary.

F. The parents/eligible students are to complete the Board's Request for Information Form 8330 F5 prior to receiving copies of any record.

The COR shall arrange a mutually-agreeable time for the review with the parents/eligible students.

G. Subject to the limitations within the law, policy, and/or guidelines, the COR shall provide parents/eligible students with copies of any information in the student's education records and shall respond to reasonable

requests for explanation and interpretation of the records. Copies of the records shall be provided for the current cost of duplication unless that fee effectively prevents the parents/eligible students from exercising the right to inspect and review the records.

H. If the parents/eligible students request disclosure of specific information by telephone, the COR shall not disclose requested information.

I. The District shall not destroy any education record if there is an outstanding request to inspect and review the record.

Third Party: Disclosure, Inspection/Review, and/or Copies of Records

When authorized the COR shall permit inspection and review of a student's education records, disclose specified information, or provide copies of education records only after the requesting party has agreed not to share the information with a third party unless the parents/eligible students have so consented or the particular circumstances meet the requirements of Federal law on third-party disclosure.

Amendments of Records (see Form 8330 F6a, Form 8330 F6b, and Form 8330 F6c)

The COR shall provide parents/eligible students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy.

A. Upon receipt of a written request to amend records, the COR shall ascertain the specific information that is requested to be amended and the reason for the change.

The COR shall decide whether or not to amend the record.

If the COR decides not to amend, the parents/eligible students shall be so informed of the decision as well as of their rights to a hearing.

B. If the parents/eligible students request a Records Hearing, the Superintendent shall:

1. select the Records Hearing Officer (RHO) (who may be an official of the District who does not have a direct interest in the outcome of the hearing);

2. direct the person selected as the RHO to arrange a hearing with the parents/eligible students within ten (10) business days from the date of the hearing request or at a mutually agreed time and place.

   The RHO shall inform the parents/eligible students that they shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.

The RHO is responsible for maintaining the student's record during the appeal process so that no information is lost or destroyed during the appeal process.

C. The RHO shall conduct the hearing by:

1. introducing the participants;

2. reviewing the agenda for the hearing;

3. identifying the records in question;

4. reviewing the items for which amendment is being requested;

5. allowing the parents/eligible students and/or their representative to present evidence related to the issues;

6. allowing the Board's representative to present evidence related to the issues;

7. recording the evidence presented by both parties;

8. allowing each party a reasonable period of time to question the evidence of the other party;

9. adjourning the hearing.

D. No later than ten (10) business days from the conclusion of the records hearing, the RHO shall summarize and send a copy of the findings to the Superintendent (see Form 8330 F7).

E. The Superintendent, within ten (10) business days after receiving the findings of the RHO, shall make a decision, based solely upon the evidence presented at the hearing, and send to the parents/eligible students:

1. a letter stating the decision and the justification for the decision;

2. a copy of the RHO Report;

3. copies of the amended records, if any;

4. a notification of the right to place a statement in the record commenting on the contested information or stating why s/he disagrees with the decision.

F. If the Board and parents/eligible students agree to the necessary amendments, the COR shall make necessary changes in the student record and send the parents/eligible students written confirmation that the

changes have been made.

G. If as a result of the hearing, the Board decides not to amend the record, the parents/eligible students have the right to place a statement in the record commenting on the contested information in the records and/or stating they disagree with the decision of the RHO. Such a statement shall be maintained with the contested part of the records as long as the records exist and shall be disclosed as part of any record disclosure.

H. Unless specified otherwise in law, third parties seeking to access confidential information in a student's record that has been generated by a professional or agency outside the District may access these records only through the originator and in compliance with the laws governing disclosure.

Emergency Release

The COR may release any personally-identifiable information (without parent's/eligible student's consent) to appropriate parties, including parents of eligible students, in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the COR shall consider the totality of the circumstances pertaining to a threat to the health or safety of others. If the COR determines that an articulable and significant threat exists, s/he may release information from education records to any necessary individuals. If the COR or another school official releases personally identifiable information pursuant to this Section, s/he must record in the student's education records the basis for the decision that a health or safety emergency existed.

TRANSFER OF RECORDS TO PRIVATE SCHOOLS, OTHER SCHOOL DISTRICTS, JUVENILE DETENTION FACILITIES, AND JUVENILE COURTS

Transfer of student records, including disciplinary records regarding suspensions and expulsions, must be within fourteen (14) days of request and shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this District.

The COR shall transfer a student's records to another school when requested by the private or public school or school district in which the student is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, provided that:

A. 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 students; or Board's annual notification - Form 8330 F9 - includes a notice that the Board will 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);

B. the parent or eligible student, upon request, receives a copy of the record; and

C. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record.

The COR shall transfer a student's records when requested by a juvenile detention facility in which the student has been placed or a juvenile court that has taken jurisdiction of the student.

A copy of the cover letter sent to the requesting private school, public school district, juvenile detention facility, or juvenile court shall be retained in the student's file.

If parents/eligible students request a copy of the records being transferred, they shall be provided free of charge.

If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.

If the District receives a request for a copy of or information regarding a missing student's records, the staff member in charge of admission immediately shall report the request to the law enforcement agency that notified the school that the student is a missing child. When forwarding a copy of or information from the student's records in response to a request, the staff member in charge of admission shall do so in such a way that the receiving district or school is unable to discern that the student's records are marked as identifying the student as a missing child.

Disclosure for Student Financial Aid

The COR may release, **without parents' consent**, student information regarding financial aid for which a student has applied or which a student has received, provided that personally-identifiable information from the education records of the student may be used only:

A. to determine the eligibility of the student for financial aid;

B. to determine the amount of financial aid;

C. to determine the conditions which will be imposed regarding the financial aid;

D. to enforce the terms or conditions of the financial aid.

Financial aid means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

Disclosure for Purposes of marketing or Selling Information

The Board shall not permit 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). For purposes of this section, "personal information" means individually identifiable information including: (1) a student or parent's first and last name; (2) a home or other physical address (including street name and the name of the city or town); (3) a telephone number; or (4) a Social Security identification number.

Inspection of Information Collection Instrument

The parent of a 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. The parent must submit a written request to the building principal at least ten (10) business days before the scheduled date of the activity. The instrument will be provided within five (5) business days of the principal receiving the request. Parents will be notified at least annually at the beginning of the school year of the specific or approximate date(s) 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

F. student recognition programs

Safeguarding Education Records and Responding to Data Breaches

Significant challenges exist with respect to the safeguarding of education records from unauthorized access and disclosure. These challenges include inadvertent posting of students' grades or financial information on publicly available Web servers; theft or loss of laptops and other portable devices that contain education records; computer hacking; and failure to retrieve education records at termination of employment or service as a contractor, consultant or volunteer. In light of these challenges, the DRO and COR are directed to work with the District's IT Department/Staff to identify, implement and administer appropriate methods and security controls to protect education records, especially those in electronic information/data systems.

The District's IT Department/Staff is encouraged to review the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-100, "Information Security Handbook: A Guide for Managers," and NIST SP 800-53, "Recommended Security Controls for Federal Information Systems" for guidance and to use any methods or technologies they determine are reasonable to mitigate the risk of unauthorized access and disclosure taking into account the likely harm that would result. The IT Department/Staff is charged with development of appropriate responses to data breaches and other unauthorized disclosures, and said steps should include at a minimum the following:

A. reporting the incident to law enforcement authorities;

B. determining exactly what information was compromised (e.g. names, addresses, SSNs, ID numbers, grades, etc.);

C. taking steps to immediately retrieve data and prevent further disclosures;

D. identifying all affected records and students;

E. determining how the incident occurred, including which school officials had control of and responsibility for the information that was compromised;

F. determining whether the incident occurred because of a lack of monitoring or oversight;

G. determining whether any Board policies and/or District procedures were violated;

H. conducting a risk assessment and identifying appropriate physical, technological and administrative measures to prevent similar incidents in the future; and

l. notify students and parents that the United States Department of Education's Office of Inspector General maintains a Web site describing steps students may take if they suspect they are a victim of identity theft.

While notification of students is not required in all circumstances, it shall be the DRO's responsibility to determine, in conjunction with the Superintendent, whether students and/or parents will be notified of any breaches. If the decision is made not to issue a direct notice to a parent or student upon an unauthorized disclosure of education records, the DRO or COR shall nevertheless record the disclosure so the parent or student will become aware of it during an inspection of the student's education record.

It is important that the address used in Form 8330 F9 be checked annually to verify the accuracy of the address for complaints regarding the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

© Neola 2016

ag8340

PROVIDING A REFERENCE

8340 - **PROVIDING A REFERENCE**

Administrators who choose to provide a letter of reference, when asked, for any District employee or former employee shall adhere to the following when preparing such a letter:

A. The request should be reduced to writing and submitted with enough lead time to allow a timely response. The request shall include the name and title to whom the reference is to be directed, and the complete mailing address to which the letter is to be mailed.

B. The letter of reference shall include only statements that are truthful and factual, and substantiated by the administrator's first hand knowledge of the employee or former employee and/or the employee or former employee's personnel file. When drafting the letter, the administrator should include the following:

1. A description of the position that the administrator holds as well as the position to which the employee or former employee is or was assigned in the District, and the period of time upon which the administrator's comments are based.

2. The duties assigned to the employee or former employee, and the manner in which s/he performed those duties and responsibilities. Any and all comments pertaining to the employee or former employee's job performance shall be based upon direct knowledge by the administrator and/or comments contained within employee or former employee's performance evaluations.

3. If appropriate, the letter may also describe any additional duties or assignments of the employee or former employee, such as extracurricular or co-curricular assignments, and the manner in which the employee or former employee performed those duties and responsibilities.

C. The letter of reference shall not include any of the following:

1. any statements that the administrator knows to be untrue

2. any statements made in bad faith

3. any statements that are motivated by anger, grudges, jealousy, resentment, or ill will toward the employee or former employee

4. any statements that include exaggerations

5. any statements that are based upon incomplete investigations involving the employee or former employee

D. In all cases a copy of any letter of reference provided by an administrator for a District employee or former employee shall be filed in the employee or former employee's personnel file.

An administrator who chooses to provide a reference by phone for a District employee or former employee shall adhere to the guidelines delineated in B and C above.

Furthermore, the administrator shall document the date, time, name, title and District affiliation of the individual requesting the reference and include this information in the employee or former employee's personnel file.

ag8351

SECURITY BREACH OF CONFIDENTIAL DATABASES

8351 - **SECURITY BREACH OF CONFIDENTIAL DATABASES**

Investigation of Security Breach

Upon receiving notification of a security breach of one of the District's databases, the Superintendent shall:

A. determine how the breach occurred;

B. take immediate steps to correct and stop further unauthorized access; and

C. determine whether notification is required to be provided to any individuals whose personal information may have been subject to unauthorized access.

Notification of Security Breach to Affected Individuals

Notification is not required, but may be done, when there is a determination, based on a reasonable review of all the facts, that the security breach has not caused or is not likely to result in a material risk of identity theft or other fraud or result in substantial loss or injury to the individuals who are affected by the security breach. In making this determination, the Superintendent shall consider, at a minimum, whether the information accessed by an authorized individual was:

A. unencrypted and unredacted personal information;

B. encrypted but accessed by a person with access to the encryption code.

If the Superintendent determines that notice should be given, it shall be provided in the most expedient time possible, but not later than forty-five (45) days of the discovery of the breach. Notification shall be by one of the following methods:

A. written notice to the address on record for the individual(s)

B. written notice sent electronically, if the District's primary method of communication with the individual disclosure must be made is through electronic means and there is reasonable belief that the e-mail address is current

C. by telephone, provided that actual direct conversation is held with the individual within three (3) days of the first attempted call

The notification shall include:

A. description of the security breach in general terms;

B. the type of personal information that may have been accessed;

C. general description of the measures taken to stop further Security Breaches;

D. a telephone number where the person may obtain assistance or additional information;

E. reminder to be vigilant and monitor for fraud or identify theft.

If the District does not have sufficient contact information to provide notification as specified above, the cost of providing notification would exceed $250,000 or the class of affected individuals exceeds 500 persons, the District must provide substitute notice by the following methods:

A. written notice sent electronically, if the District has an e-mail address for the resident to whom the disclosure must be made and there is reasonable belief that the e-mail address is current

B. conspicuous posting of the disclosure or notice on the District's web site

C. notification to major media outlets, provided that the cumulative total of the readership, viewing audience, or listening audience of the outlets notified equal or exceeds seventy-five percent (75%) of the population

The District may delay the disclosure or notification if a law enforcement agency determines that notice to the affected individual(s) will impede a criminal investigation or jeopardize homeland or national security. In such cases, the District shall provide notification after the law enforcement determines that disclosure will not compromise the investigation or security.

If over 1,000 Ohio residents are affected by the security breach, credit reporting agencies shall be notified.

© Neola 2012

ag8360

USE OF SCHOOL MAIL-DELIVERY SYSTEM

8360 - **USE OF SCHOOL MAIL-DELIVERY SYSTEM**

In order to be in compliance with Federal postal regulations, it is necessary to establish the following guidelines regarding the use of the District's "in-house" mail-distribution system.

These items may be distributed through the system without special permission:

A. copies of official documents or records of the District

B. communications between the central office and each building and/or each administrator

C. communications among staff members that are directly related to an authorized curricular, extra-curricular, or incidental program or activity of the District

D. communications from Board-recognized outside organizations which are directly related to the District, providing the communication is related to a sponsored school activity

E. communications from an authorized employee group and organization to all members of the bargaining unit providing the communication relates to administration and enforcement of the collective bargaining agreement

F. any incidental, District correspondence

Any staff member or student who wishes to distribute any other materials through the mail-distribution must receive permission from the principal whose decision will be based on whether or not the information is directly related to school business or a school-sponsored activity.

The Post Office does not allow use of the internal delivery system for unofficial purposes in order to avoid the payment of postage. Therefore, permission will not be granted for:

A. communications unrelated to authorized programs and activities of the District;

B. communications from outside organizations which are not related to the District;

C. communications from authorized employee groups and organizations concerning only its own business, including letters and flyers notifying members of association meetings and workshops;

D. communications from nonauthorized or ad hoc employee groups or organizations;

E. personal correspondence.

© Neola 2012

ag8390

USE OF SERVICE ANIMALS

8390 - **USE OF SERVICE ANIMALS**

The Board of Education shall comply with the provisions of the American with Disabilities Act (ADA), as amended, regarding an individual with disability's use of a service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go.

It is imperative that representatives of the Board do not ask about the nature or extent of a person's disability; however, they may make inquiries to determine whether an animal qualifies as a service animal. While the representatives of the Board cannot ask about the individual's disability, they may ask if the animal is required because of a disability and what tasks or work the animal can perform. When the work or tasks the service animal will perform is readily apparent, the representatives of the Board should not ask.

Under no circumstances should the representatives of the Board require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

The definition of a service animal, as established by the ADA is as follows:

A. ***Service animal*** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

    1. The ADA has also defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use or a

miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.

2. A service animal that meets the above definition shall be under the control of its handler e.g., a student with a disability). A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

    a. The service animal's trainer can help to develop a plan to assist the student with the dog (e.g., the student's aide might transfer the service dog's leash from a student's wheelchair to a tree during recess). Additionally, a younger student might need reminders from school staff about controlling the dog until s/he is comfortable handling the services animal at school.

    b. While the student is responsible for the service animal's care, including feeding and supervision, the District should develop a plan to provide the student with the necessary time to care for the animal and designate a location for the animal's toileting needs.

3. Additionally, the Board is not responsible for the care or supervision of a service animal.

B. A service animal may be removed from the District premises if one (1) of the following exceptions apply:

1. the animal is out of control and the animal's handler does not take effective action to control it; or

2. the animal is not housebroken.

C. If a service animal is properly excluded from the premises, the Board shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

D. A representative of the Board shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his/her service animal. (See Policy 8405)

E. A student who wants to bring his/her service animal to school must notify the Building Principal in writing, at least ten (10) school days prior to the date the animal will be coming to school so that the school staff can meet with the student and his/her parents/guardians to discuss any concerns and develop a plan. The plan, at a minimum, should address how school staff and other students will be educated about and introduced to the service animal, how the student will be accommodated to care for the dog, and how any issues will be resolved. The Principal should provide the student and staff with specific instructions concerning emergency evacuation plans, entry and egress points, areas where the animal may urinate/defecate, waste removal procedures, and building restrictions, if any.

1. The Principal will provide written notification to all parents/guardians of students in the affected class(es) and staff in the affected class(es) that a service animal will be coming into the school setting. The notification will request that the parents/guardians and/or staff notify the Principal if their child

or they have any known allergies, asthma, or other health condition that might be aggravated by the service animal's presence. The Principal will take appropriate action to protect any such students or staff members from exposure to the service animal.

2. Allergies and fear of dogs are not valid reasons for denying a student or staff member's request to have a service animal at school.

3. When an individual whose health may be aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility - e.g., in a school classroom or cafeteria - both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

© Neola 2015

ag8400A

THREAT ASSESSMENT AND INTERVENTION

8400A - **THREAT ASSESSMENT AND INTERVENTION**

Recognizing that student conduct may present a danger to students and staff members, in an emergency, school officials must act promptly to minimize risk.

Building-level threat assessment teams shall be headed by the Principal and include a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer. When logistics and staff assignments make it feasible, a Team may serve more than one (1) school.

As required by Policy 8400, the following guideline outlines steps building administrators and their threat assessment teams must take when they become aware of a student-posed safety threat.

A threat is a concerning communication or behavior that suggests a person may intend to harm someone else. The threat may be spoken, written, or gestured and is considered a threat regardless of whether it is observed by or communicated directly to the target(s) of the threat. A threat may be communicated or observed electronically.

A. **Step One:** The building principal (or designee when unavailable) receives a report that a student has made a threat and/or has engaged in behaviors or communications that would indicate the student intends to harm someone. Together, except in the case of an emergency, the building administrator and the Team assess the threat level posed by the student.

    1. **High Level Threat**: This is a direct, specific, plausible, and imminent threat. The threat is detailed and delineates a plausible plan of action. Examples include a student with a weapon in the building or other information indicating imminent danger on school property.

    2. **Medium Level Threat:** This is a more general threat with a strong indication that the perpetrator is preparing for action. The threat may suggest a possible place and time, but is not detailed or immediate. Examples include a Facebook post announcing that the student plans to buy a gun soon and use it, or a YouTube video picturing a ranting student claiming s/he has access to weapons.

    3. **Low Level Threat:** This threat is vague and indirect. The student's threatened conduct may be unrealistic or poorly thought-out. Content suggests a general, nonspecific anger towards the school, staff, or peers. Examples include a student essay describing a school shooting or a child yelling that s/he hates everyone and hopes they all die.

B. **Step Two:** After determining the level of threat, the building administrator takes immediate action. When the available information is insufficient to determine the level of threat, the administrator should err on the

side of caution and consider the threat to be a high-level one.

1. High Level Threat:

    a. The Superintendent or building administrator alerts emergency responders (911).

    b. The Superintendent or building administrator initiates a school lock-down as per Policy 8400 - School Safety.

    c. The Superintendent or building administrator maintains communication with emergency responders and follows their directives.

    d. The Superintendent or building administrator contacts the student's parents or guardians.

    e. The Superintendent or building administrator takes immediate steps to protect students and address the student's specific plans. This can include emergency removal from school, emergency hospitalization, and law enforcement involvement.

    f. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.

    g. After the threat is neutralized, the Superintendent or building administrator addresses media inquiries or alerts the designated media or public relations spokesperson.

    h. The Superintendent or building administrator completes Form 8400 F1 to document the incident and its response.

2. Medium Level Threat:

    a. The Superintendent or building administrator alerts emergency responders (911) and follows their directives.

    b. The Superintendent or building administrator contacts the student's parents or guardians.

    c. A mental health Team member (*e.g.*, school psychologist, counselor) promptly meets with the student to evaluate the risk further. Topics to consider when speaking with the student include his/her: (1) motives and goals; (2) mental state; (3) plan details and consistency; (4) capacity to carry out the plan; (5) potential targets; (6) previous attempts or attack-related behaviors; (7) communications to others; (8) previous interest in violence; (9) family circumstances; (10) possible accomplices; and (11) circumstances that may affect the likelihood of an attack. The Team member should also try to ascertain whether the student has a positive relationship with any adult, especially a staff member.

d. The Superintendent or building administrator alerts the potential targets and takes measures to secure their safety.

e. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.

f. The Team determines appropriate steps to address the student's short-term and long-term challenges. This may include recommendations concerning emergency hospitalization, intensive counseling, anti-bullying measures, and evaluations for further services.

g. After the threat is neutralized, the Superintendent or building administrator addresses media inquiries or alerts the designated media or public relations spokesperson.

h. After the specific threat has been neutralized, the Team contacts the student's parent and convenes a meeting to discuss the student and the threat. At the meeting the Team requests consent for further evaluation and permission to receive or share information with outside and/or existing health care providers. If the student has not previously been identified as eligible for special education, the Team, including parent(s), considers whether it suspects a disability; if it does, the District will conduct a multi-factored evaluation in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

i. Provided the parent agrees in writing, a mental health professional conducts a long-term risk assessment, including the child's personality traits and behaviors, as well as family, school, and social dynamics.

j. The Team convenes with the parent(s) to review the results of the long-term risk assessment and determine whether any services are indicated.

k. The Team completes Form 8400 F1 to document the incident and its response.

l. The Team implements services as indicated by the long-term assessment, and continues to closely monitor the student's behaviors.

3. Low Level Threat:

a. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.

b. A member of the Team contacts the student's parents or guardians, and convenes a meeting to discuss the student and the threat. At the meeting, the Team requests consent to evaluate and permission to receive or share information with outside and/or existing health care providers. If the student has not previously been identified as eligible for special education, the Team, including the parent(s), consider whether it suspects a disability; if it does, the District will offer to conduct a multi-factored evaluation pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

c. Provided the parent consents in writing, a mental health Team member (e.g., school psychologist, counselor) meets with the student to conduct an immediate threat assessment, including evaluating the student's: (1) motives and goals; (2) mental state; (3) plan details and consistency; (4) capacity to carry out the plan; (5) potential targets; (6) previous attempts or attack-related behaviors; (7) communications to others; (8) previous interest in violence; (9) family circumstances; (10) possible accomplices; and (11) circumstances that may affect the likelihood of an attack.

d. The Team completes Form 8400 F1 to document the incident and its response.

e. The mental health member conducts a long-term assessment to determine the student's long-term risk to himself/herself and others. This assessment should include the child's personality traits and behaviors, as well as family, school, and social dynamics.

f. The Team convenes with the parent(s) to review the results of the long-term risk assessment and determine whether any services are indicated.

g. The Team implements services as indicated by the long-term risk assessment, and continues to closely monitor the student's behaviors.

C. **Step Three:** After neutralizing the threat, the TAT convenes to debrief and self-evaluate. The TAT addresses areas to improve and long-term strategies, relating both to the particular situation, as well as possible future threats.

1. The Team verifies that all Low Level Threat procedures have been followed.

2. The Team convenes to evaluate its response and additional areas for improvement. These can include:

a. improving lock down policies and procedures.

b. working with law enforcement to conduct and supervise drills specific to student threats.

c. enhancing prevention services: red-flagging students at risk; conducting surveys; implementing hotlines; increasing counseling referrals; raising staff awareness; involving the Intervention Assistance TAT.

d. clarifying SRO roles.

e. soliciting input from staff and students.

D. **Step Four:** After the threat is neutralized and the Team debriefs, a spokesperson or administrator meets with community members, staff, and students (as appropriate) to dispel rumors, raise awareness, and inform the community about future steps and prevention strategies.

E. **Step Five:** For students returning to school after an absence (e.g., as a result of disciplinary action, emergency removal, and/or psychiatric treatment/hospitalization), the Superintendent or building administrator will meet with the student's parent or guardian to discuss re-entry and appropriate next steps to determine the student's readiness for return to school. Parents/guardians shall be notified in writing of all expectations for re-entry, and provided with a copy of any safety plan developed by the Team.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

At all times, Team members must comply with students' Federal and State privacy rights, as described in Policy 8330 - Student Records. As necessary and appropriate during the assessment process (i.e., in non-life threatening emergencies), Team members shall acquire written consent for release and exchange of information with mental health providers and local law enforcement agencies.

© Neola 2014

ag8400

SCHOOL SAFETY

8400 - **SCHOOL SAFETY**

The Board will develop and implement a plan of corrective action in order to reduce the rate of weapon-related incidents and violent criminal offenses that occur in or on school grounds (i.e., in or on District buildings, grounds, and bus transportation to and from school, District-sponsored activities and designated bus stops) and/or result in students being removed from the school. The plan will be developed within twenty (20) days of the school being designated as persistently dangerous and consider corrective action including, but not limited to, the following:

A. hiring additional personnel to supervise students in common areas;

B. increasing instructional activities in areas such as conflict resolution;

C. working with law enforcement officials to identify and eliminate gang-related activities;

D. in-service training of teachers and administrators regarding the consistent enforcement of school discipline rules and policies;

E. limiting access to campus;

F. hiring additional security personnel and security equipment.

Upon completion and implementation of the plan of corrective action, the Board will apply to the State Board of Education to have the school removed from the list of persistently dangerous schools. However, should the school remain on the list, students will be provided with the opportunity to transfer to a safe school in accordance with Policy 5113.02 and AG 5113.02.

© Neola 2012

ag8405

INDOOR AIR QUALITY (IAQ): MOLD

8405 - **INDOOR AIR QUALITY (IAQ): MOLD**

The Board of Education believes that the potential problem of mold presence and the threat to Indoor Air Quality within the buildings of the District deserves the attention of all staff members who work within those buildings. This procedure provides guidance in the detection and response to conditions leading to mold growth.

Excessive moisture levels or improperly maintained HVAC systems can lead to conditions optimum for the development of biological contaminants such as mold and fungi on indoor surfaces. When airborne, the presence of these contaminants can be harmful on contact with human respiratory tissue. Contributing factors to excessive moisture levels may include but not be limited to the following:

A. roof leaks

B. structural defects in the building

C. faulty plumbing

D. improperly controlled humidity levels, and

E. faulty HVAC systems/poor ventilation

Mold

Mold spores are always present in indoor air but do not reproduce in the indoor environment unless conditions are present which meet growth requirements. These requirements include moisture and an organic food source. Virtually any organic substance may meet the requirements as a food source, and may include wood, carpeting, paper products (books, stored paper, files), insulation, foodstuff, wallboard, ceiling tiles, wallpaper, etc. Attention must be focused on identifying excess moisture sources which, coupled with the food source, may lead to mold development.

Moisture Control

Staff members are to immediately report any signs of excess moisture to custodial personnel. This may include obvious plumbing leaks, wet spots on ceilings, walls, or windowsills, damp or sagging ceiling tiles, wet carpet, condensation on pipes, windows, to other surfaces, or other indications of excessive moisture within the building such as overflowing HVAC drip pans, moisture collecting on air vents, or musty odors.

Once identified, steps shall be taken to identify the moisture source and to determine a course of action for proper response, including mold remediation, if indicated, and under the direction of the IAQ Coordinator. It is important that any wet or damp spots be cleaned and dried within forty-eight (48) hours and that indoor humidity levels be maintained below sixty percent (60%) relative humidity and ideally between thirty to fifty percent (30%-50%) (USEPA) if possible.

If no maintenance staff members with the District have received specialized training in the identification and remediation of mold, it shall be necessary to enlist the services of experienced professionals to assist in this effort.

Hidden Mold

If building occupants are reporting health problems such as allergic responses (runny nose, eye irritation, skin rash, asthma attacks, respiratory problems, headaches) or if an area has an unexplained musty smell, it is possible that mold is present within the ceilings, walls, ductwork, under carpeting, or other areas that are not obvious without further investigation. These concerns must not be ignored, and should be reported immediately to supervisory personnel and the IAQ Coordinator.

If mold is suspected, area occupants must be removed and steps taken to identify the mold location. Personnel searching for the mold should take proper safety precautions in order to safeguard their own health and to avoid releasing additional mold spores into the air. At the direction of IAQ Coordinator, it may be necessary to enlist the services of experienced professionals and it may be advisable to notify the county health department. The area in question should not be re-occupied until the IAQ Coordinator has determined that the mold remediation has taken place and moisture sources have been identified and corrected, or that the situation does not require such remediation.

IAQ Coordinator

The Superintendent shall appoint an IAQ Coordinator who shall have the responsibility of investigating or causing to be investigated all complaints relating to IAQ. Results of all such investigations are to be recorded and provided to the Superintendent . These records are to include the source of the complaint, the steps taken to address the complaint, and any remediation taken, if indicated.

Staff Education

All staff are to be made aware of conditions necessary for mold development, and of each individual's responsibility to report any concerns relative to those conditions to their supervisor.

EPA Website

The EPA website contains valuable information regarding mold and mold remediation in public buildings. The EPA publication *Mold Remediation in Schools and Commercial Buildings* is to be available for reference in all buildings.

EARLY WARNING SIGNS OF POSSIBLE SCHOOL VIOLENCE

8410A - **EARLY WARNING SIGNS OF POSSIBLE SCHOOL VIOLENCE**

The following early warning signs are not equally significant and are not presented in order of seriousness:

A. ***Social withdrawal.*** In some situations, gradual and eventually complete withdrawal from social contacts can be an important indicator of a troubled child. The withdrawal often stems from feelings of depression, rejection, persecution, unworthiness, and lack of confidence.

B. ***Excessive feelings of isolation and being alone.*** Research has shown that the majority of children who are isolated and appear to be friendless are not violent. In fact, these feelings are sometimes characteristic of children and youth who may be troubled, withdrawn, or have internal issues that hinder development of social affiliations. However, research also has shown that in some cases feelings of isolation and not having friends are associated with children who behave aggressively and violently.

C. ***Excessive feelings of rejection.*** In the process of growing up, and in the course of adolescent development, many young people experience emotionally painful rejection. Children who are troubled often are isolated from their mentally healthy peers. Their responses to rejection will depend on many background factors. Without support, they may be at risk of expressing their emotional distress in negative ways-including violence. Some aggressive children who are rejected by non-aggressive peers seek out aggressive friends who, in turn, reinforce their violent tendencies.

D. ***Being a victim of violence.*** Children who are victims of violence-including physical or sexual abuse-in the community, at school, or at home are sometimes at risk themselves of becoming violent toward themselves or others.

E. ***Feelings of being picked on and persecuted.*** The youth who feels constantly picked on, teased, bullied, singled out for ridicule, and humiliated at home or at school may initially withdraw socially. If not given adequate support in addressing these feelings, some children may vent them in inappropriate ways-including possible aggression or violence.

F. ***Low school interest and poor academic performance.*** Poor school achievement can be the result of many factors. It is important to consider whether there is a drastic change in performance and/or poor performance becomes a chronic condition that limits the child's capacity to learn. In some situations--such as when the low achiever feels frustrated, unworthy, chastised, and denigrated--acting out and aggressive behaviors may occur. It is important to assess the emotional and cognitive reasons for the academic performance change to determine the true nature of the problem.

G. ***Expression of violence in writings and drawings.*** Children and youth often express their thoughts, feelings, desires, and intentions in their drawings and in stories, poetry, and other written expressive forms. Many children produce work about violent themes that for the most part is harmless when taken in context.

However, an overrepresentation of violence in writings and drawings that is directed at specific individuals (family members, peers, other adults) consistently over time, may signal emotional problems and the potential for violence. Because there is a real danger in misdiagnosing such a sign, it is important to seek the guidance of a qualified professional--such as a school psychologist, counselor, or other mental health specialist--to determine its meaning.

H. ***Uncontrolled anger.*** Everyone gets angry; anger is a natural emotion. However, anger that is expressed frequently and intensely in response to minor irritants may signal potential violent behavior toward self or others.

I. ***Patterns of impulsive and chronic hitting, intimidating, and bullying behaviors.*** Children often engage in acts of shoving and mild aggression. However, some mildly aggressive behaviors such as constant hitting and bullying of others that occur early in children's lives, if left unattended, might later escalate into more serious behaviors.

J. ***History of discipline problems.*** Chronic behavior and disciplinary problems both in school and at home may suggest that underlying emotional needs are not being met. These unmet needs may be manifested in acting out and aggressive behaviors. These problems may set the stage for the child to violate norms and rules, defy authority, disengage from school, and engage in aggressive behaviors with other children and adults.

K. ***Past history of violent and aggressive behavior.*** Unless provided with support and counseling, a youth who has a history of aggressive or violent behavior is likely to repeat those behaviors. Aggressive and violent acts may be directed toward other individuals, be expressed in cruelty to animals, or include fire setting. Youth who show an early pattern of antisocial behavior frequently and across multiple settings are particularly at risk for future aggressive and antisocial behavior. Similarly, youth who engage in overt behaviors such as bullying, generalized aggression and defiance, and covert behaviors such as stealing, vandalism, lying, cheating, and fire setting also are at risk for more serious aggressive behavior. Research suggests that age of onset may be a key factor in interpreting early warning signs. For example, children who engage in aggression and drug abuse at an early age (before age 12) are more likely to show violence later on than are children who begin such behavior at an older age. In the presence of such signs it is important to review the child's history with behavioral experts and seek parents' observations and insights.

L. ***Intolerance for differences and prejudicial attitudes.*** All children have likes and dislikes. However, an intense prejudice toward others based on racial, ethnic, religious, language, gender, sexual orientation, ability, and physical appearance--when coupled with other factors--may lead to violent assaults against those who are perceived to be different. Membership in hate groups or the willingness to victimize individuals with disabilities or health problems also should be treated as early warning signs.

M. ***Drug use and alcohol use.*** Apart from being unhealthy behaviors, drug use and alcohol use reduces self-control and exposes children and youth to violence, either as perpetrators, as victims, or both.

N. ***Affiliation with gangs***. Gangs that support anti-social values and behaviors--including extortion, intimidation, and acts of violence toward other students--cause fear and stress among other students. Youth who are influenced by these groups--those who emulate and copy their behavior, as well as those who become affiliated with them--may adopt these values and act in violent or aggressive ways in certain situations. Gang-related violence and turf battles are common occurrences tied to the use of drugs that often result in injury and/or death.

O. ***Inappropriate access to, possession of, and use of firearms.*** Children and youth who inappropriately possess or have access to firearms can have an increased risk for violence. Research shows that such youngsters also have a higher probability of becoming victims. Families can reduce inappropriate access and use by restricting, monitoring, and supervising children's access to firearms and other weapons. Children who have a history of aggression, impulsiveness, or other emotional problems should not have access to firearms and other weapons.

P. ***Serious threats of violence.*** Idle threats are a common response to frustration. Alternatively, one of the most reliable indicators that a youth is likely to commit a dangerous act toward self or others is a detailed and specific threat to use violence. Recent incidents across the country clearly indicate that threats to commit violence against oneself or others should be taken very seriously. Steps must be taken to understand the nature of these threats and to prevent them from being carried out.

Unfortunately, **there is a real danger that early warning signs will be misinterpreted.** Educators and parents--and in some cases, students--can ensure that the early warning signs are not misinterpreted by using several significant principles to better understand them. These principles include:

A. **Do no harm.** There are certain risks associated with using early warning signs to identify children who are troubled. First and foremost, the intent should be to get help for a child early. The early warning signs should not to be used as rationale to exclude, isolate, or punish a child. Nor should they be used as a checklist for formally identifying, mislabeling, or stereotyping children. Formal disability identification under federal law requires individualized evaluation by qualified professionals. In addition, all referrals to outside agencies based on the early warning signs must be kept confidential and must be done with parental consent (except referrals for suspected child abuse or neglect).

B. **Understand violence and aggression within a context.** Violence is contextual. Violent and aggressive behavior as an expression of emotion may have many antecedent factors-factors that exist within the school, the home, and the larger social environment. In fact, for those children who are at risk for aggression and violence, certain environments or situations can set it off. Some children may act out if stress becomes too great, if they lack positive coping skills, and if they have learned to react with aggression.

C. **Avoid stereotypes.** Stereotypes can interfere with--and even harm-the school community's ability to identify and help children. It is important to be aware of false cues--including race, socio-economic status, cognitive or academic ability, or physical appearance. In fact, such stereotypes can unfairly harm children, especially when the school community acts upon them.

D. **View warning signs within a developmental context.** Children and youth at different levels of development have varying social and emotional capabilities. They may express their needs differently in elementary, middle, and high school. The point is to know what is developmentally typical behavior, so those behaviors are not misinterpreted.

E. **Understand that children typically exhibit multiple warning signs.** It is common for children who are troubled to exhibit multiple signs. Research confirms that most children who are troubled and at risk for aggression exhibit more than one warning sign, repeatedly, and with increasing intensity over time. Thus, it is important not to overreact to single signs, words, or actions.

ag8410B

IDENTIFYING AND RESPONDING TO IMMINENT WARNING SIGNS

8410B - **IDENTIFYING AND RESPONDING TO IMMINENT WARNING SIGNS**

Unlike early warning signs, imminent warning signs indicate that a student is very close to behaving in a way that is potentially dangerous to self and/or to others. Imminent warning signs require an immediate response.

No single warning sign can predict that a dangerous act will occur. Rather, imminent warning signs usually are presented as a sequence of overt, serious, hostile behaviors or threats directed at peers, staff, or other individuals. Usually, imminent warning signs are evident to more than one staff member--as well as to the child's family.

Imminent warning signs may include:

A. Serious physical fighting with peers or family members.

B. Severe destruction of property.

C. Severe rage for seemingly minor reasons.

D. Detailed threats of lethal violence.

E. Possession and/or use of firearms and other weapons.

F. Other self-injurious behaviors or threats of suicide.

When warning signs indicate that danger is imminent, safety must **always** be the first and foremost consideration. Action must be taken immediately. Immediate intervention by school authorities and possibly law enforcement officers is needed when a child:

A. Has presented a detailed plan (time, place, method) to harm or kill others-particularly if the child has a history of aggression or has attempted to carry out threats in the past.

B. Is carrying a weapon, particularly a firearm, and has threatened to use it.

In situations where students present other threatening behaviors, **parents should be informed of the concerns immediately.** School communities also have the responsibility to seek assistance from appropriate agencies, such as child and family services, community mental health and local law enforcement agencies. These responses should reflect school board policies and be consistent with the violence prevention and response plan.

ag8410C

PRINCIPLES UNDERLYING INTERVENTION

8410C - **PRINCIPLES UNDERLYING INTERVENTION**

Violence prevention and response plans should consider both prevention and intervention. Plans also should provide all staff with easy access to a team of specialists trained in evaluating serious behavioral and academic concerns. Eligible students should have access to special education services, and classroom teachers should be able to consult school psychologists, other mental health specialists, counselors, reading specialists, and special educators.

Effective practices for improving the behavior of troubled children are well documented in the research literature. Research has shown that effective interventions are culturally appropriate, family-supported, individualized, coordinated, and monitored. Further, interventions are more effective when they are designed and implemented consistently over time with input from the child, the family, and appropriate professionals. Schools also can draw upon the resources of their community to strengthen and enhance intervention planning.

When drafting a violence prevention and response plan, it is helpful to consider certain principles that have a significant impact on success, shown through research or expert-based experience. The principles include:

A. **Share responsibility by establishing a partnership with the child, school, home, and community.** Coordinated service systems should be available for children who are at risk for violent behavior. Effective schools reach out to include families and the entire community in the education of children. In addition, effective schools coordinate and collaborate with child and family service agencies, law enforcement and juvenile justice systems, mental health agencies, businesses, faith and ethnic leaders, and other community agencies.

B. **Inform parents and listen to them when early warning signs are observed.** Parents should be involved as soon as possible. Effective and safe schools make persistent efforts to involve parents by: informing them routinely about school discipline policies, procedures, and rules, and about their children's behavior (both good and bad); involving them in making decisions concerning schoolwide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs, and crisis planning. Parents need to know what school-based interventions are being used with their children and how they can support their success.

C. **Maintain confidentiality and parents' rights to privacy.** Parental involvement and consent is required before personally identifiable information is shared with other agencies, except in the case of emergencies or suspicion of abuse. The *Family Educational Rights and Privacy Act* (FERPA), a Federal law that addresses the privacy of education records, must be observed in all referrals to or sharing of information with other community agencies. Furthermore, parent-approved interagency communication must be kept confidential. FERPA does not prevent disclosure of personally identifiable information to appropriate parties--such as law enforcement officials, trained medical personnel, and other emergency personnel--when responsible personnel determine there is an emergency (imminent danger).

D. **Develop the capacity of staff, students, and families to intervene.** Many school staff members are afraid of saying or doing the wrong thing when faced with a potentially violent student. Effective schools provide the entire school community--teachers, students, parents, support staff--with training and support in responding to imminent warning signs, preventing violence, and intervening safely and effectively. Interventions must be monitored by professionals who are competent in the approach. According to researchers, programs do not succeed without the ongoing support of administrators, parents, and community leaders.

E. **Support students in being responsible for their actions.** Effective school communities encourage students to see themselves as responsible for their actions, and actively engage them in planning, implementing, and evaluating violence prevention initiatives.

F. **Simplify staff requests for urgent assistance.** Many school systems and community agencies have complex legalistic referral systems with timelines and waiting lists. Children who are at risk of endangering themselves or others cannot be placed on waiting lists

G. **Make interventions available as early as possible.** Too frequently, interventions are not made available until the student becomes violent or is adjudicated as a youthful offender. Interventions for children who have reached this stage are costly, restrictive, and relatively inefficient. Effective schools build mechanisms into their intervention processes to ensure that referrals are addressed promptly, and that feedback is provided to the referring individual.

H. **Use sustained, multiple, coordinated interventions.** It is rare that children are violent or disruptive only in school. Thus, interventions that are most successful are comprehensive, sustained, and properly implemented. They help families and staff work together to help the child. Coordinated efforts draw resources from community agencies that are respectful of and responsive to the needs of families. Isolated, inconsistent, short-term, and fragmented interventions will not be successful-and may actually do harm.

I. **Analyze the context in which violent behavior occurs.** School communities can enhance their effectiveness by conducting a functional analysis of the factors that set off violence and problem behaviors. In determining an appropriate course of action, consider the child's age, cultural background, and family experiences and values. Decisions about interventions should be measured against a standard of reasonableness to ensure the likelihood that they will be implemented effectively.

J. **Build upon and coordinate internal school resources.** In developing and implementing violence prevention and response plans, effective schools draw upon the resources of various school-based programs and staff--such as special education, safe and drug free school programs, pupil services, and Title I.

Violent behavior is a problem for everyone. It is a normal response to become angry or even frightened in the presence of a violent child. But, it is essential that these emotional reactions be controlled. The goal must always be to ensure safety and seek help for the child.

INTERVENING EARLY WITH STUDENTS WHO ARE AT RISK FOR BEHAVIORAL PROBLEMS

8410D - **INTERVENTING EARLY WITH STUDENTS WHO ARE AT RISK FOR BEHAVIORAL PROBLEMS**

Examples of early intervention components that work include:

A. Providing training and support to staff, students, and families in understanding factors that can set off and/or exacerbate aggressive outbursts.

B. Teaching the child alternative, socially appropriate replacement responses-such as problem solving and anger control skills.

C. Providing skill training, therapeutic assistance, and other support to the family through community-based services.

D. Encouraging the family to make sure that firearms are out of the child's immediate reach. Law enforcement officers can provide families with information about safe firearm storage as well as guidelines for addressing children's access to and possession of firearms.

In some cases, more comprehensive early interventions are called for to address the needs of troubled children. Focused, coordinated, proven interventions reduce violent behavior. Following are several comprehensive approaches that effective schools are using to provide early intervention to students who are at risk of becoming violent toward themselves or others.

Intervention Tactic: Teaching Positive Interaction Skills

Although most schools do teach positive social interaction skills indirectly, some have adopted social skills programs specifically designed to prevent or reduce antisocial behavior in troubled children. In fact, the direct teaching of social problem solving and social decision making is now a standard feature of most effective drug and violence prevention programs. Children who are at risk of becoming violent toward themselves or others need additional support. They often need to learn interpersonal, problem solving, and conflict resolution skills at home and in school. They also may need more intensive assistance in learning how to stop and think before they react, and to listen effectively.

Intervention Tactic: Providing Comprehensive Services

In some cases, the early intervention may involve getting services to families. The violence prevention and response team together with the child and family designs a comprehensive intervention plan that focuses on reducing aggressive behaviors and supporting responsible behaviors at school, in the home, and in the community.

Intervention Tactic: Referring the Child for Special Education Evaluation

If there is evidence of persistent problem behavior or poor academic achievement, it may be appropriate to conduct a formal assessment to determine if the child is disabled and eligible for special education and related services under the ***Individuals with Disabilities Education Act*** (IDEA). If a multidisciplinary team determines that the child is eligible for services under the IDEA, an individualized educational program (IEP) should be developed by a team that includes a parent, a regular educator, a special educator, an evaluator, a representative of the local school district, the child (if appropriate), and others as appropriate. This team will identify the support necessary to enable the child to learn-including the strategies and support systems necessary to address any behavior that may impede the child's learning or the learning of his or her peers.

ag8410E

ACTION PLANNING CHECKLIST

8410E - **ACTION PLANNING CHECKLIST**

Prevention-Intervention-Crisis Response

What To Look For--Key Characteristics of Responsive and Safe Schools

Does my school have characteristics that:

__ Are responsive to all children?

What To Look For--Early Warning Signs of Violence

Has my school taken steps to ensure that all staff, students, and families:

__ Understand the principles underlying the identification of early warning signs?

__ Know how to identify and respond to imminent warning signs?

__ Are able to identify early warning signs?

What To Do--Intervention: Getting Help for Troubled Children

Does my school:

__ Understand the principles underlying intervention?

__ Make early intervention available for students at risk of behavioral problems?

__ Provide individualized, intensive interventions for students with severe behavioral problems?

__ Have schoolwide preventive strategies in place that support early intervention?

What To Do--Crisis Response

Does my school:

__ Understand the principles underlying crisis response?

__ Have a procedure for intervening during a crisis to ensure safety?

__ Know how to respond in the aftermath of tragedy?

ag8410F

CRISIS PROCEDURE CHECKLIST

8410F - **CRISIS PROCEDURE CHECKLIST**

A crisis plan must address many complex contingencies. There should be a step-by-step procedure to use when a crisis occurs. An example follows:

__ Assess life/safety issues immediately.

__ Provide immediate emergency medical care.

__ Call 911 and notify police/rescue first. Call the Superintendent second.

__ Convene the crisis team to assess the situation and implement the crisis response procedures.

__ Evaluate available and needed resources.

__ Alert school staff to the situation.

__ Activate the crisis communication procedure and system of verification.

__ Secure all areas.

__ Implement evacuation and other procedures to protect students and staff from harm. Avoid dismissing students to unknown care.

__ Adjust the bell schedule to ensure safety during the crisis.

__ Alert persons in charge of various information systems to prevent confusion and misinformation. Notify parents.

__ Contact appropriate community agencies and the school district's public information office, if appropriate.

__ Implement post-crisis procedures.

CHARACTERISTICS OF A SAFE PHYSICAL ENVIRONMENT

8410G - **CHARACTERISTICS OF A SAFE PHYSICAL ENVIRONMENT**

Prevention starts by making sure the school campus is a safe and caring place. Effective and safe schools communicate a strong sense of security. School officials can enhance physical safety by:

A. Supervising access to the building and grounds.

B. Reducing class size and school size.

C. Adjusting scheduling to minimize time in the hallways or in potentially dangerous locations. Traffic flow patterns can be modified to limit potential for conflicts or altercations.

D. Conducting a building safety audit in consultation with school security personnel and/or law enforcement experts. Effective schools adhere to Federal, State, and local nondiscrimination and public safety laws, and use guidelines set by the State Department of Education.

E. Arranging supervision at critical times (for example, in hallways between classes) and having a plan to deploy supervisory staff to areas where incidents are likely to occur.

F. Prohibiting students from congregating in areas where they are likely to engage in rule-breaking or intimidating and aggressive behaviors.

G. Having adults visibly present throughout the school building. This includes encouraging parents to visit the school.

H. Staggering dismissal times and lunch periods.

I. Monitoring the surrounding school grounds-including landscaping, parking lots, and bus stops.

J. Coordinating with local police to ensure that there are safe routes to and from school.

In addition to targeting areas for increased safety measures, schools also should identify safe areas where staff and children should go in the event of a crisis.

The physical condition of the school building also has an impact on student attitude, behavior, and motivation to achieve. Typically, there tend to be more incidents of fighting and violence in school buildings that are dirty, too cold or too hot, filled with graffiti, in need of repair, or unsanitary.

ag8410H

TIPS FOR PARENTS

8410H - **TIPS FOR PARENTS**

A. Discuss the school's discipline policy with your child. Show your support for the rules, and help your child understand the reasons for them.

B. Involve your child in setting rules for appropriate behavior at home.

C. Talk with your child about the violence s/he sees-on television, in video games, and possibly in the neighborhood. Help your child understand the consequences of violence.

D. Teach your child how to solve problems. Praise your child when s/he follows through.

E. Help your child find ways to show anger that do not involve verbally or physically hurting others. When you get angry, use it as an opportunity to model these appropriate responses for your child-and talk about it.

F. Help your child understand the value of accepting individual differences.

G. Note any disturbing behaviors in your child. For example, frequent angry outbursts, excessive fighting and bullying of other children, cruelty to animals, fire setting, frequent behavior problems at school and in the neighborhood, lack of friends, and alcohol or drug use can be signs of serious problems. Get help for your child. Talk with a trusted professional in your child's school or in the community.

H. Keep lines of communication open with your child-even when it is tough. Encourage your child always to let you know where and with whom s/he will be. Get to know your child's friends.

I. Listen to your child if s/he shares concerns about friends who may be exhibiting troubling behaviors. Share this information with a trusted professional, such as the school psychologist, principal, or teacher.

J. Be involved in your child's school life by supporting and reviewing homework, talking with his/her teacher(s), and attending school functions such as parent conferences, class programs, open houses, and PTA meetings.

K. Work with your child's school to make it more responsive to all students and to all families. Share your ideas about how the school can encourage family involvement, welcome all families, and include them in meaningful ways in their children's education.

L. Encourage your school to offer before-and after-school programs.

M. Volunteer to work with school-based groups concerned with violence prevention. If none exist, offer to form one.

N. Find out if there is a violence prevention group in your community. Offer to participate in the group's activities.

O. Talk with the parents of your child's friends. Discuss how you can form a team to ensure your children's safety.

P. Find out if your employer offers provisions for parents to participate in school activities.

ag8410

CHARACTERISTICS OF A SCHOOL THAT IS SAFE AND RESPONSIVE TO ALL CHILDREN

8410 - **CHARACTERISTICS OF A SCHOOL THAT IS SAFE AND RESPONSIVE TO ALL CHILDREN**

Well functioning schools foster learning, safety, and socially appropriate behaviors. They have a strong academic focus and support students in achieving high standards, foster positive relationships between school staff and students, and promote meaningful parental and community involvement. Most prevention programs in effective schools address multiple factors and recognize that safety and order are related to children's social, emotional, and academic development. Effective prevention, intervention, and crisis response strategies operate best in school communities that:

A. **Focus on academic achievement.** Effective schools convey the attitude that all children can achieve academically and behave appropriately, while at the same time appreciating individual differences. Adequate resources and programs help ensure that expectations are met. Expectations are communicated clearly, with the understanding that meeting such expectations is a responsibility of the student, the school, and the home. Students who do not receive the support they need are less likely to behave in socially desirable ways.

B. **Involve families in meaningful ways.** Students whose families are involved in their growth in and outside of school are more likely to experience school success and less likely to become involved in antisocial activities. School communities must make parents feel welcome in school, address barriers to their participation, and keep families positively engaged in their children's education. Effective schools also support families in expressing concerns about their children-and they support families in getting the help they need to address behaviors that cause concern.

C. **Develop links to the community.** Everyone must be committed to improving schools. Schools that have close ties to families, support services, community police, the faith-based community, and the community at large can benefit from many valuable resources. When these links are weak, the risk of school violence is heightened and the opportunity to serve children who are at risk for violence or who may be affected by it is decreased.

D. **Emphasize positive relationships among students and staff.** Research shows that a positive relationship with an adult who is available to provide support when needed is one of the most critical factors in preventing student violence. Students often look to adults in the school community for guidance, support, and direction. Some children need help overcoming feelings of isolation and support in developing connections to others. Effective schools make sure that opportunities exist for adults to spend quality, personal time with children. Effective schools also foster positive student interpersonal relations--they encourage students to help each other and to feel comfortable assisting others in getting help when needed.

E. **Discuss safety issues openly.** Children come to school with many different perceptions--and misconceptions--about death, violence, and the use of weapons. Schools can reduce the risk of violence by teaching children about the dangers of firearms, as well as appropriate strategies for dealing with feelings,

expressing anger in appropriate ways, and resolving conflicts. Schools also should teach children that they are responsible for their actions and that the choices they make have consequences for which they will be held accountable.

F. **Treat students with equal respect**. A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor--both by staff and by peers. Students who have been treated unfairly may become scapegoats and/or targets of violence. In some cases, victims may react in aggressive ways. Effective schools communicate to students and the greater community that all children are valued and respected. There is a deliberate and systematic effort-for example, displaying children's artwork, posting academic work prominently throughout the building, respecting students' diversity-to establish a climate that demonstrates care and a sense of community.

G. **Create ways for students to share their concerns.** It has been found that peers often are the most likely group to know in advance about potential school violence. Schools must create ways for students to safely report such troubling behaviors that may lead to dangerous situations. And students who report potential school violence must be protected. It is important for schools to support and foster positive relationships between students and adults so students will feel safe providing information about a potentially dangerous situation.

H. **Help children feel safe expressing their feelings.** It is very important that children feel safe when expressing their needs, fears, and anxieties to school staff. When they do not have access to caring adults, feelings of isolation, rejection, and disappointment are more likely to occur, increasing the probability of acting-out behaviors.

I. **Have in place a system for referring children who are suspected of being abused or neglected.** The referral system must be appropriate and reflect federal and state guidelines.

J. **Offer extended day programs for children.** School-based before-and after-school programs can be effective in reducing violence. Effective programs are well supervised and provide children with support and a range of options, such as counseling, tutoring, mentoring, cultural arts, community service, clubs, access to computers, and help with homework.

K. **Promote good citizenship and character.** In addition to their academic mission, schools must help students become good citizens. First, schools stand for the civic values set forth in our Constitution and Bill of Rights (patriotism; freedom of religion, speech, and press; equal protection/nondiscrimination; and due process/fairness). Schools also reinforce and promote the shared values of their local communities, such as honesty, kindness, responsibility, and respect for others. Schools should acknowledge that parents are the primary moral educators of their children and work in partnership with them.

L. **Identify problems and assess progress toward solutions.** Schools must openly and objectively examine circumstances that are potentially dangerous for students and staff and situations where members of the school community feel threatened or intimidated. Safe schools continually assess progress by identifying problems and collecting information regarding progress toward solutions. Moreover, effective schools share this information with students, families, and the community at large.

M. **Support students in making the transition to adult life and the workplace.** Youth need assistance in planning their future and in developing skills that will result in success. For example, schools can provide

students with community service opportunities, work-study programs, and apprenticeships that help connect them to caring adults in the community. These relationships, when established early, foster in youth a sense of hope and security for the future.

ag8420A

SEVERE WEATHER AND TORNADOES

8420A - **SEVERE WEATHER AND TORNADOES**

Every spring the District faces the possibility of severe weather and tornadoes. Each school is to monitor a weather-alert radio for severe weather conditions and each Principal or supervisor is responsible for setting up procedures for notifying their staff and students about severe conditions and maintaining proper safety.

Tornado drills are required to be conducted each month during the tornado season when school is in session. Such drills shall be conducted in conjunction with the fire drills or rapid dismissals and school safety drills set forth in AG 8420 - Emergency Dismissals. During the tornado drills, students must be instructed in the appropriate procedures to follow in situations when there is a tornado watch or warning. The Principal shall designate, in accordance with standards prescribed by the firm marshal, appropriate locations to be used to shelter students in case of a tornado watch, tornado warning, or an actual tornado.

Tornado Watch

A tornado watch is a forecast of the possibility of one (1) or more tornadoes in a large area. When a tornado watch is in effect, the District will continue normal activities but move recess and physical education activities indoors. Each building and department shall designate someone to be responsible for continuously monitoring the watch while students are in the building or on the premises. School will not be dismissed early and dismissal time will be at the regular time even if the watch is still in effect.

Tornado Season

The tornado season is the period from April 1st through July 31st.

Tornado Warning

A tornado warning signals that a tornado has been sighted and may be approaching. A tornado warning signal is an announcement on the public address system.

Procedures

A. All groups outside the building are to return to the school and go to their designated shelter area.

B. Staff shall proceed with all students to the predesignated tornado shelter areas and remain there with the students until further notice.

C. Disabled students who need assistance are to be assisted by the person designated to assist them for building evacuations.

D. No student shall be allowed out of his/her designated area unless his/her parent comes to the school and requests that the student be released.

E. A student is to be released only to his/her parents.

F. Proceed to predetermined shelter areas.

G. Students shall line the interior hallways as quickly and safely as possible away from glass and sit with their backs to the interior wall, knees drawn tightly to their chests, face positioned between their knees, and their hands over their necks. Staff members shall assist disabled students if necessary. Disabled students who cannot assume the position described above even with assistance shall lie prone on the floor, underneath a piece of heavy furniture if present in the interior hallway.

H. Students shall remain quiet to wait for instructions.

I. Staff members shall remain alert for students who evidence signs of stress or panic, and when necessary, move such students to an area where they will not influence other students and remain with them until the all-clear signal is given.

J. The Principal shall give the all-clear signal and provide further directions.

K. Areas to be avoided:

1. spaces that are opposite doorways or openings into rooms that have windows in the exterior walls, and areas with large roof spaces;

2. interior locations that contain glass, such as doors, windows, display cases and the like;

3. areas where doors swing;

   When the storm hits, the doors are likely to swing violently.

4. any wall which is nonload-bearing;

5. corridor intersections (stay at least ten (10) feet away);

6. any corridor which has potential to become a wind tunnel.

© Neola 2015

ag8420

EMERGENCY PROCEDURES

8420 - **EMERGENCY PROCEDURES**

The primary consideration in any emergency situation must be the safety of the students and staff. At certain times, therefore, it may be necessary to ask the staff to perform "beyond the call of duty" in order to provide for the welfare of our students. In the event of an actual emergency situation, all school personnel, instructional and noninstructional, will be required to remain in the building until they are dismissed by the Principal.

EVACUATION

A. When an emergency occurs the Principal shall consult, when feasible, with the Niles Police Department concerning whether to evacuate the school. An announcement will then be made to inform staff and students of the emergency procedures that will be followed.

B. If a decision is made to send students home or to a preselected site, attempts will be made to notify parents by telephone and/or by radio or TV, and the public address system will be used to inform all teachers and students.

The professional and classified staff members will supervise the orderly evacuation of the building.

1. If time permits, all students will go to their lockers, unlock them, take a coat if weather requires, and return to class leaving lockers open.

2. The custodian will assign and instruct the members of his/her staff to positions that allow "free-flow" of traffic on and off school property.

3. Administrators and guidance counselors will report to the office for assignment.

4. Teachers should take class rolls, including, addresses and telephone numbers of students as well as emergency information.

5. Teachers will remain (or return) to their regular classrooms and remain with their students.

6. Clerical personnel will remain at their regular stations except in cases of reassignment by their immediate supervisor.

7. Cafeteria personnel will remain in their areas until notified to the contrary by the main office.

8. In case of bomb threat, the (fire) (police) (sheriff's) department and the Principal will search the building.

C. Above all, it is imperative that all personnel remain calm and in control throughout the emergency.

FIRE/TORNADO/SCHOOL SAFETY DRILLS

In accordance with State law, fire drills or rapid dismissals are to be conducted six (6) during the school year with the first fire drill being conducted within ten (10) days of the beginning of classes. However, no fire drills are required to be conducted in any month that a school safety drill is conducted. Times and frequencies of drills must be varied. Each Principal shall prepare and distribute fire drill or rapid dismissal procedures whereby:

A. all personnel leave the building during a drill;

B. the plan of evacuation provides at least one (1) alternative route in case exits or stairways are blocked;

C. teachers, when the fire alarm sounds, caution students to walk silently and briskly from the building to a specified location, check to make sure any disabled students requiring assistance are being assisted properly, close all windows and doors of room and turn out lights, if possible, before leaving, and conduct roll call as soon as students are at the designated location to make sure that each student is accounted for;

D. a list is compiled at the beginning of each school year of all disabled students in the building who will require assistance in exiting the building or to reach an area of refuge in the building, together with the assignment of a staff member or nonstudent volunteer in the student's classroom who will be responsible for providing necessary assistance in an appropriate manner. The list and a copy of each student's schedule showing room numbers shall be maintained by the Principal, who shall provide the list and schedules to the necessary authorities (e.g., law enforcement, firefighters) in the event of an emergency. A person should also be designated to assist a disabled student when the evacuation signal is given and s/he is in another area of the building such as the gym, all-purpose room, or lunchroom.

The Principal shall document that each fire drill was conducted in a proper manner and submit such documentation to the Superintendent at the end of each school year.

Tornado drills shall be conducted on a regular basis during the tornado season in accordance with AG 8420A - Severe Weather and Tornadoes.

School safety drills shall be conducted at least three (3) times during each school year. During the school safety drills, students must be instructed in the appropriate procedures to follow in situations where students must be secured in their building or rapidly evacuated in response to:

A. a threat to the school involving terrorism;

B. a person in possession of a deadly weapon or dangerous ordnance on school property; and

C. other acts of violence.

At least one (1) safety drill shall include a scenario where students must be secured in the school building rather than rapidly evacuated.

School safety drills (including drills and theoretical drills) shall be conducted in conjunction with the District's emergency management plan.

The Principal must conduct at least one (1) drill or rapid dismissal or one (1) school safety drill during each month of the school year. A drill or rapid dismissal may be conducted during the same month as a school safety drill. All building occupants must participate in the drill.

Additionally, the Principal shall conduct a theoretical school safety drill at least once during the school year to provide instruction to school faculty and staff regarding procedures to be followed in such situations. The theoretical drill does not need to include student participation and may be conducted at the required annual employee school safety drill training session.

Each safety drill shall be conducted in conjunction with law enforcement officials.

Prior to conducting the annual school safety drills, each Principal shall:

A. provide advance written notice of each school safety drill (actual and theoretical) to the municipal or township police chief or other chief law enforcement officer (or in the absence of such officer, the county sheriff);

   Such notice shall be provided no later than seventy-two (72) hours prior to the date the drill will be held, be sent by mail, facsimile, or electronic submission, and include the address of the school and the date and time the drill will be conducted.

B. provide follow-up written certification of the date and time the drill was conducted during the previous school year as well as the date and time each drill will be conducted during the current school year to the municipal or township police chief or other chief law enforcement officer (or in the absence of such officer,

the county sheriff);

The certification must be submitted by mail, facsimile or electronically by December 5th each calendar year.

C. hold annual training sessions for school employees regarding the procedures to follow during school safety drills.

Each Principal shall keep a written record of the date and time of each drill conducted.

AREAS OF REFUGE

An area of refuge is a location in a building that has direct access to an exit, stairs, or enclosure where individuals who are unable to use stairs can go to call for assistance and wait for evacuation. In each building that lacks an automatic sprinkler system, the Principal shall designate an area of refuge on each floor above and below ground level, and shall designate personnel to remain with individuals using each area of refuge. Each area of refuge shall be designated with appropriate signage and a two (2) way communication device that allows for communication with first responders or others who can assist with evacuation from the building (should be stored in each area of refuge).

UNUSUAL SITUATIONS

The following situations are unlikely to occur, but in such an event, use the following procedures:

A. **Student(s) or staff member(s) held hostage**

1. Isolate the area. DO NOT make a P.A. announcement or sound the fire alarm. The nearest administrator will direct teachers and monitors on duty to notify teachers in nearby classes to take their students to a previously determined area.

2. Notify the police immediately, giving as much information as possible (e.g. number of terrorists, number of hostages, types of demands being made). Police will be in charge once they arrive.

3. Notify the Superintendent.

4. Develop a list of casualties, if any.

B. **Intruders in building or on school property**

1. Ask them to leave.

2. If they do not leave, remind them of trespassing law.

3. Notify administrator in charge and the District office.

4. Avoid any physical conflict or loud verbal altercations.

The administrator or person in charge may notify police if intruders do not leave and/or summon all "free" teachers.

C. **Unauthorized demonstrators or pickets around building before school opens**

1. Attempt to enter building peaceably.

2. Notify District office.

3. Hold students on the school buses if demonstrators seem to pose a threat.

4. Notify law enforcement officers.

D. **Demonstrators or pickets around building at dismissal**

1. Notify administrator in charge.

2. If demonstrators seem to pose a threat, hold students in class until further notice.

3. Notify law enforcement officers.

E. **Student Demonstrators (See AG 5520)**

1. Identify the leader or leaders of the group.

2. Notify the group that the administration will confer with the leader(s) but not until all other students return to class.

3. Meet with leaders if students disperse and return to class.

4. If students refuse to disperse, remind them of truancy regulations and the consequences of school disruption.

5. With other staff, try to identify as many participants as possible and notify parents of participants asking them to come to school.

6. Attempt to take pictures and/or video recording of participants.

7. Attempt to keep nonparticipating students away from the demonstration area.

8. Follow through on disciplinary action on students refusing to cooperate.

F. **Buses not operating - students in school**

1. Keep all students in class.

2. Summon all unassigned professional staff members for instruction.

3. Dismiss students with their own cars (or bicycles) but follow Board policy regarding student passengers.

4. Dismiss students within walking distance after the cars have left.

5. Keep remaining students in school until parents are notified of the problem and transportation for their child arrives.

6. Alert cafeteria staff if it appears that large numbers of students will have to remain at school for an extended period of time.

G. **Major disruptions at an assembly**

1. Bring house lights to full on.

2. If those causing the disruption are too numerous to be handled by professional staff members on duty, dismiss the assembly and instruct all present to report to next period class.

3. If few in number, remove them from the assembly and take appropriate disciplinary action.

4. If those causing the disruption are outsiders, follow procedure for intruders.

© Neola 2015

ag8430

TELEPHONING OF BOMB THREATS

8430 - **TELEPHONING OF BOMB THREATS**

The following guidelines may be helpful when a telephone caller announces a bomb threat.

A. Be alert to any of the following background sounds that may give a clue to the location of the caller:

radio playing, voices, sirens, construction noise, TV, whistles, traffic noise, bells

B. Ask the caller:

Where is the bomb located?

What time is it to go off?

What kind of a bomb is it?

What is your name?

Where are you calling from?

C. Make a note about speech characteristics such as:

male, female, low tone, high pitch, stutter or stammer, regional or foreign accent

D. Note impressions such as:

Does the voice sound familiar?

Does the caller sound sincere?

Does the caller seem familiar with the school?

E. Write down **exactly** what the caller says; ask him/her to repeat the message.

F. Try to signal someone about the nature of the conversation while you keep the caller on the line.

ag8431A

PESTICIDE APPLICATIONS

8431A - **PESTICIDE APPLICATIONS**

Pesticide applications shall be conducted by an applicator who is certified/licensed by the Ohio Department of Agriculture to use or directly supervise the use of pesticides in the manner specified in his/her certification/licensure. Applications must be made in accordance with the pesticide labeling, State and Federal law and regulations, and the pesticide enforcement policy statements issued by the Ohio Department of Agriculture. The applicator shall use the necessary safety equipment as set forth on the pesticide label or as required by the pesticide being used, including any necessary protective equipment that is appropriate relative to the potential exposure.

Classroom Buildings of Schools

As a result of the potentially toxic nature of pesticides, applications must be made in a manner to ensure maximum efficiency, with minimal hazard to students and the staff. In order to assure the safety of staff and students, applications should only be made when students and staff are not present in areas where they may be exposed to materials applied.

Pesticides may be applied on or in the classroom buildings of schools so long as applied for either the longer of four (4) hours or the minimum time specified by the label of the pesticide applied prior to the beginning of the school day; at a time after the school day has concluded; or when school is not scheduled to be in session.

The following pesticides, however, may be applied when school is in session so long as no persons other than the pesticide applicators and necessary school staff are scheduled to be in the treatment area during the treatment and for either the longer of four (4) hours or the minimum time specified by the label of the pesticide applied, if any is specified, as measured from the time the pesticide application is completed:

A. manufactured paste or gel baits

B. paraffin-based rodent control products placed in industry identified tamper-resistant bait stations

C. termite-baiting stations

D. rodenticides which are placed in wall voids or other areas that are inaccessible to humans and domestic animals

E. disinfectants, sanitizers, germicides, and anti-microbial agent

(The District is not required to inform parents of students, adult students, or employees who have requested prior notification should these be applied.)

F. dusts used in unoccupied areas of the building or structure

When making applications of pesticides when school is in session, the entrances to the area in which the pesticide is applied shall be posted with signs that meet the following requirements:

A. The sign shall measure at least eight and one-half (8-1/2) inches by eleven (11) inches; and

B. The sign shall be printed with letters at least one (1) inch in height with the following wording: "Pesticide Treatment Area. Do Not Enter Before _____ [the date and time where re-entry will be permitted into the treatment area]." The time shall be the later of four (4) hours or the minimum time specified on the label, as measured from the time that the pesticide application is completed.

Lawn Application

When making application of pesticides to School District lawns where students play and/or participate in activities, the applicator shall be responsible for posting appropriate signs upon application. Any and all signs posted must remain in place for at least twenty-four (24) hours following lawn application.

A. An applicator must provide Maintenance Supervisor with the information that is required to be maintained in the Lawn Pesticide Application records listed above and the approximate time of application.

B. The applicator must also post at conspicuous points, including but not limited to common access points on the property to which the lawn pesticides have been applied, one (1) or more signs that:

1. measure at least five (5) inches by four (4) inches on adjacent sides and be attached to the upper portion of a dowel or other supporting device. The bottom edge of the sign must be at least fourteen (14) inches from the ground and the sign must be weatherproof for twenty-four (24) hours;

2. are in the form and carry the wording and warning symbol contained in State regulations. No company logos or other advertising graphics may appear on the face of the sign. The signs posted at access points must be within five (5) feet of the access point.

C. In the alternative, the applicator may permanently place signs at common access points to the property that are no less than eight (8) by ten (10) inches with the following language: "PERIODIC APPLICATION OF LAWN PESTICIDES - INQUIRE AT: Board Office." The designated location must be accessible to the public during

normal hours of operation. The applicator must have information required to be maintained in the Lawn Pesticide Application obtainable at the location designated on these permanently placed signs.

Pesticide Application Records

Records of pesticide applications shall be maintained for a period of three (3) years from the date of application. Records shall contain the following information:

A. Classroom Building Pesticide Applications:

1. name and business address of responsible certified/licensed applicator and name of any other person applying pesticides at the application site
2. name and address of person contracting for service
3. target pests
4. location or field identification number of treatment area
5. trade name (brand name) and EPA registration number of pesticide used
6. total amount of each pesticide product used
7. rate of application and concentration of pesticide formulation applied
8. type of equipment used
9. time or conditions for re-entering the treatment area as specified by the label of the pesticide applied, if any is specified
10. date and time of day of application, including the time of starting the actual application and the time of completion of application or, if uncompleted, the time when operations ceased for the day, and
11. wind direction and velocity, air temperature, and other weather or relevant environmental conditions when applicable

B. Lawn Pesticide Applications:

1. the brand or common name of each lawn pesticide applied

2. the chemical type (fungicide, herbicide, or insecticide)

3. any special instructions on the label of the lawn care pesticide product applicable to the customer

4. the company name and telephone number of the applicator's employer

5. the date and time of the application

6. any other pertinent information required to be provided to the Board of Education by the applicator upon application of a chemical to the lawns in the District

Notification of Parents/Students and Staff

Within thirty (30) days of the beginning of each school year, the Principal or his/her designee shall provide written notification to parents of students, adult students, and employees of their right to be informed before any pesticide application is made to the school property (see Form 8431 F5). The notice shall be on a form containing statements that pesticides may periodically be applied to school property and that parents, adult students, and employees have the right to request prior notification of such pesticide applications. The form will also state that in the case of an emergency, pesticides may be applied in classroom buildings without prior notice, but that those who request notification will be notified of the emergency application as soon as possible after it occurs. The form will also state that prior notification will not be given for lawn applications.

A. Prior notification shall contain the following information:

1. the approximate location of the application

2. the scheduled date and time of application

3. the type of pesticide to be applied

4. the method of application

B. The method of prior notification shall be determined by the District. Prior notification of application shall be provided to those parents, adult students, and employees who request notification in one (1) of the following manners:

1. written notice mailed at least three (3) days before the application

2. written notice sent home with the child at least two (2) days before the application

3. e-mail

4. listserv methods

ag8431

WRITTEN HAZARD COMMUNICATION PROGRAM

8431 - **WRITTEN HAZARD COMMUNICATION PROGRAM**

Use of these guidelines will produce a toxic hazard communication program that will be in compliance with Policy 8431. Some methods go beyond the minimum requirements of the standard to more effectively communicate hazards to workers, for example, having workers sign training statements.

General

The program will be available in his/her office for review by all employees.

A. **Hazard Determination**

Maintenace Supervisor will be relying on Material Safety Data Sheets from material suppliers to meet hazard determination requirements.

B. **Labeling**

The Maintenance Supervisor will be responsible for ensuring that:

1. all incoming containers are properly labeled;

2. all incoming products are checked for identity, hazard warning, and name and address of responsible party;

3. all portable containers are labeled with identity and hazard warning;

4. piping systems are painted at access points and every ten (10) feet where the piping is eight (8) feet or closer to employee contact.

C. **Material Safety Data Sheets (MSDS)**

1. The Maintenance Supervisor will be responsible for compiling the master MSDS file which is to be kept in the Maintenance Supervisor office. (see Form 8431 F1)

2. MSDSs will be available for review to all employees. Copies will be available upon request to any administrator or supervisor.

3. The Maintenance Supervisor shall make requests for MSDSs on all purchase orders. A file of follow-up letters shall be maintained for all shipments received without MSDSs.

4. The Maintenance Supervisor shall provide supervisors with the required OSHA Right to Know poster and postings notifying employees of new or revised MSDSs within five (5) days of receipt of a new or revised MSDS.

D. **Employee Information and Training**

1. The Maintenance Supervisor shall coordinate and maintain records of employee training.

2. Before starting work, each new employee will attend a safety class and be given information on:

    a. chemicals and their hazards in their work areas;

    b. how to lessen or prevent exposure to these hazardous chemicals;

    c. what has been done to lessen or prevent workers' exposure to these chemicals;

    d. procedures to follow if they are exposed to these chemicals;

    e. how to read and interpret labels.

3. After attending the class each employee will sign a form stating that they received the written materials outlined above and received the safety training.

4. Before any new hazardous material is allowed in the District, appropriate employees will be given information in the same manner as during the safety class.

© Neola 2012

ag8442A

EMERGENCY TREATMENT

8442A - **EMERGENCY TREATMENT**

A. In the event of a staff accident or injury, staff members or administrators shall:

1. if properly trained, administer first aid;

2. report the accident to the appropriate administrator;

3. summon professional medical assistance, if needed;

4. notify emergency individuals listed on the employee's emergency contact form immediately if the accident or illness indicates professional medical care is required;

5. report the accident within one (1) working day to the immediate supervisor who will, in turn, report the accident to the Board Office.

B. Records are to be kept on all injuries requiring medical attention which occur while staff members are on school property, in school buildings, or at school-sponsored activities.

C. The Treasurer will inform the insurance carrier, according to the guidelines, of any Workers' Compensation claims.

ag8442.01

WORKERS' COMPENSATION - SALARY CONTINUATION

8442.01 - **WORKERS' COMOPENSATION - SALARY CONTINUATION**

Salary continuation occurs when the Board of Education continues an employee's regular (full) salary/wages at the onset of a work-related injury.

The Treasurer is directed to oversee and implement the Board's salary continuation policy and program. The Treasurer is responsible for verifying that the following actions take place:

A. An injured employee accepting salary continuation receives a full check at the next scheduled time after the injury or illness occurs. The payment of salary continuation shall not be contingent upon or wait for an Ohio Bureau of Workers' Compensation (BWC) or Industrial Commission of Ohio determination to be made. Failure to issue a full check shall cause the Board to forfeit salary continuation rights on the claim and temporary total will begin (i.e., the BWC will set a reserve on the claim).

B. Within seven (7) days of the filing of a claim, the Treasurer shall advise the BWC whether the Board will pay salary continuation. The Treasurer will further submit to the BWC the relevant salary history and the amount of the employee's salary continuation payment.

C. The Treasurer/designeeshall notify the BWC when the payment of salary continuation is discontinued and/or when the injured employee returns to work. The Treasurer/designee shall report the return to work within seventy-two (72) hours.

The District acknowledges that if an injured employee is employed by more than one (1) employer, the Board, as the incident employer, may pay the salary/wages from the other job(s); but is not required to do so. If however, the Board chooses not to pay the salary/wages for the other job(s), the Board recognizes that the BWC will pay the difference and a corresponding reserve will be established against the Board.

Additionally, if the injured employee continues employment with the Board, yet has restrictions regarding his/her physical capacity and agrees to work in a different position, the Board has the option to continue salary continuation at the regular (full) salary/wages of the original position of employment.

MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES

8450 - **MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES**

Diseases spread by airborne and/or direct contact with germs from sneezing, coughing, and speaking.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
CHICKENPOX (Varicella)	General discomfort, slight to high fever, headache, and loss of appetite. Lesions appear in bunches with most on upper body. Face and extremities are less affected. Typical lesions have teardrop shape surrounded by reddened area. Blistered (new) and broken and crusted (old) eruptions are on the skin at the same time.	10-21 days av: 14-16	5 days before rash to 6 days after rash first starts.	When lesions are dry and crusted and no new eruptions. At least 7 days after rash first appears.
FIFTH DISEASE (Erythema Infectiosum)	Rash begins as a solid red area on cheeks (“slapped cheek” appearance), spreading to upper arms and legs, trunk, hands and feet.	6-14 days	Probably 2 days.	Exclude for diagnosis. Before rash and 4-5 days later. Usually no treatment needed. Cause unknown.
INFLUENZA (Viral Influenza)	Starts suddenly with chills, fever, headache, muscle pains, and coughing. Followed by other cold symptoms.	24-72 hours	About 3 days from first symptoms.	About 3 days, at discretion of school nurse or director.

SCARLET FEVER (Scarletina)	Begins with fever and sore throat. Rash appears as a pink red flush which looks like a sunburn with goose pimples, that spreads to all parts of the body. Afterward, the skin peels off like a sunburn. Often the tongue has a "strawberry" appearance.	1-7 days av: 2-4 days	Variable. If not treated, can be contagious for months.	Exclude until 48 hours after treatment completed.
SPINAL MENINGITIS (Meningococcal) and (Haemophilus)	Sudden onset of high fever, headache, and stiff neck. In severe cases, delirium stupor or coma can also occur. In meningococcal meningitis small purplish spots are occasionally seen in skin and mucous membranes.	1-10 days av: 2-4 days	Unknown. Probably throughout the duration of symptoms.	Requires doctor's note for re-admittance.
STREP THROAT (Streptococcal sore throat)	Similar to scarlet fever but without a rash. A sore throat and fever are the most pronounced symptoms.	1-7 days av: 2-4 days.	Same as above.	Same as above.
ROSEOLA (Exanthem Subitum)	Sudden high fever (104°-105°F.) which falls with the appearance of a rash on about the third or fourth day. Rash consists of small rose-pink spots which first appear on the chest and abdomen but may spread to the face, legs, and arms. Rash is usually limited to only one or two days.	5-15 days	Unknown. The disease does not appear very contagious.	Until no symptoms.
RUBELLA (German Measles)	Rash begins on the face and spreads to the rest of the body within 24 hours and is usually gone by the end of the third day. Often present is a pronounced swelling of the lymph nodes behind the ear and at the base of the skull. Mild coughing,	14-21 days av: 16-18 days	7 days before to 7 days after rash onset.	7 days after rash onset.

	sneezing, and reddened eyes are common early in the course of the illness.			
MEASLES (Rubeola)	Begins 3 to 4 days of gradually increasing fever, runny nose, (red) inflamed eyes, and especially coughing. Rash usually begins around ears and hairline, spreading down to cover face, trunk and arms by second day. Rash is initially bright pink with distinct raised spots. Tiny blue-white pinpoint sized swelling inside the cheeks may be observed a day before the rash first appears. The rash usually last about five days. Sensitivity to light is also common.	8-13 days av: 10 days	4 days before rash and for up to 4 days after disappearance of the rash.	4 days after disappearance of the rash.
MUMPS (Infectious Parotitis)	Onset is gradual. There may be chills, discomfort, headache, pain below ears accompanied by a moderate fever of 101^{o} - 102^{o}F. or higher followed by swelling of one or both salivary glands. Swelling is below and in front of ear. Usually swelling in one gland subsides as the other begins to swell. The ear lobe is often pushed forward by the swelling of the gland. Swelling usually lasts 5 to 7 days.	2 to 3 weeks av: 18 days	Usually 5 but may be as long as 7 to 9 days prior to the onset of salivary gland swelling.	5-9 days after onset and no symptoms.
TUBERCULOSIS (TB)	Starts with fever, night sweats, and weight loss early. Later symptoms include a persistent non-productive cough, chest pain, hoarseness, and coughing of blood.	2-10 weeks	Variable. After starting treatment with anti TB drugs, a patient may become non-infectious in as little as two weeks.	Requires a doctor's note for re-admittance.

WHOOPING COUGH (Pertussis)	Coughing and sneezing followed 1 to 2 weeks later by breathing characterized by a series of short convulsive-like coughs, and a high pitched gasp of air called a whoop.	7-10 days av: 7 days	Early, when the patient has common cold like symptoms. The patient becomes less infectious as the convulsive-like coughs begin. Infectious stage ends in about four weeks.	Requires doctor's note for re admittance.

Diseases spread by contact with tiny parasites on contaminated belongings of others.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
RINGWORM (Tinea Capitis; Tinea Corporis)	Ringworm of the scalp begins as a small pimple which grows and spreads, leaving scaly patches of temporary baldness. Ringworm of the body appears as flat, spreading, ring-shaped lesions. The outside is usually reddish and filled with pus while the skin on the inside tends to return to normal.	4-14 days	As long as any untreated lesions are present and spores persist on contaminated materials.	Return after treatment has begun—cover with bandaid or clothing, when possible.
PINWORM	Itching in anal areas, disturbed sleep, irritability and local irritation due to scratching	3 weeks to 3 months	As long as the female worm survives in the intestine.	Return after treatment.

Diseases spread by the fecal-oral route – contamination of food, drink or objects placed in the mouth.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL

CAMPYLOBACTER (Vibriosis Vibrionic Enteritis)	Sudden onset of fever and abdominal pain and diarrhea which may be severe. May also be vomiting and sometimes blood in the stools.	1-10 days av: 3-5 days	Throughout the illness (1 to 4 days). If not treated, up to 7 weeks.	Requires doctor's note for re-admittance.
GIARDIASIS (Protozoan Diarrhea)	Chronic, intermittent diarrhea, bloating, foul-smelling stools and fatigue and weight loss. Sometimes observable symptoms are not present.	1 to 4 weeks after exposure	Entire period of infection.	Same as above.
SALMONELLOSIS (Acute Gastro Enteritis) (Food Poisoning)	Sudden onset of fever, Abdominal cramps, diarrhea, and possibly vomiting.	6-72 hours av: 12-36 hours	Variable. Throughout course of illness.	Same as above.
SHIGELLOSIS (Bacillary Dysentery)	Sudden onset of fever, diarrhea, abdominal pain. Loss of appetite and vomiting may also occur. There may be blood, mucous, or pus in the stools.	1-7 days av: 2-3 days	From onset of illness until 4 weeks later.	Same as above.
VIRAL GASTROENTERITIS (Viral Diarrhea; Winter Vomiting Rotoviral Diarrhea)	Abrupt onset of nausea, vomiting, diarrhea, abdominal pain, and discomfort. Fever, if present, is usually low grade. Very contagious.	24-48 hours	From onset of illness until symptoms subside.	Same as above.

Hepatitis A (Infectious Hepatitis) (Epidemic Jaundice)	Sudden loss of appetite, nausea, and abdominal pain or discomfort. Within a few days, jaundice occurs with yellowing of eyes and skin and darkening of urine.	15-40 days av: 28 days	10-15 days before symptoms appear until the first few days of jaundice.	Same as above.

Diseases spread by direct skin contact with wounds or discharges from an infected person.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
IMPETIGO (Impetigo Contagiosa)	Isolated pus filled spots which become crusted and break releasing a straw-colored fluid. Occurs principally around the mouth and nostrils.	4-10 days	As long as pus filled lesions continue to drain.	Return when lesions are dry, there is no seeping and under treatment. Cover, if possible, while at school.
PINKEYE (Epidemic Form of Acute Conjunctivitis)	Irritation of the eye accompanied by tears, swelling of the lids, extreme sensitivity to light, and a buildup of a sticky fluid that dries to a straw-colored, crusty material accumulating at the corners of the eye.	27-72 hours	During the period of active infection. Some children recover in only a few days but many cases take 2 to 3 weeks.	Until under treatment.

© Neola 2012

ag8451

PEDICULOSIS (HEAD LICE)

8451 - **PEDICULOSIS (HEAD LICE)**

Whenever a student is found to be infested with head lice, his/her parent/guardian will be notified of the infestation and requested to pick the child up immediately. Additionally, the student will be told of the infestation and reassured that it is a very treatable condition and nothing to be ashamed of. The student will also be educated in the transmission of lice and told not to share combs, hats, etc. with others.

When the parent picks up his/her child, the parent will be informed that the student needs to be treated before s/he returns. **The student will be permitted to return to school after it is confirmed that the child is free of any nits.**

The parent will be provided with information that provides guidance and educational material concerning the epidemiology, treatment and follow-up procedures for the infestation and will also be shown by the school nurse or health staff member the evidence of the child's infestation. The parent will be informed that other family members might be infested and need treatment. If the parent is unwilling or unable to identify nits or lice, s/he should be advised where this service is provided (local health department, clinic, physician's office).

If the parent/guardian is unable to visit the school (i.e., pick up the student), a phone call to the parent explaining the above information shall be made and the additional information will be sent home with the student.

The proper way to confirm the presence of lice is to find actual lice in the child's hair. **Transmission of lice most often occurs by direct contact with the head of another infested child as lice do not jump or fly. Indirect contact can include personal belongings of an infested child (combs, brushes, hats, pillows, and bedding).**

Only children and family members who have head lice should be treated. If parents are unsure if a child has lice, the hair should be combed with a lice comb to see if lice are present.

Procedure for treatment and follow-up:

A. If head lice are confirmed at school, the actions described above will be taken.

B. Parents need to notify the school health staff if they discover lice at home. They should notify parents of their child's close friends.

C. The school health staff is readily available to discuss treatment and follow-up of head lice.

D. A class letter will be sent home for confirmed cases of head lice.

E. Parents are to treat the child with a lice-removal product at home, following exact directions. They also are to treat the home environment by vacuuming, and washing bed linens, clothing, brushes, and sports helmets.

F. The student may return to school after treatment and if no nits are found in the hair. When the student returns, s/he is checked by the health services staff.

G. Parents need to continue to check for eggs (nits) and lice by combing the hair daily. If eggs and live lice are still present after a week, a second lice-removal treatment should be done. Parents should check for nits and comb their child's hair until no lice are found for two (2) weeks.

H. Parents should continuously observe their children for signs of head lice - scratching, redness at the nape of the neck, and nits attached to the hair shaft, mostly behind the ears and at the base of the neck.

I. If unsure, parents are encouraged to check with their pediatrician for any recommended treatment. The health services staff will check any student for lice by parent request.

J. If more information is needed, please refer to the Centers for Disease Control website: www.cdc.gov.

© Neola 2012

ag8452

USE AND MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATORS

8452 - **USE AND MAINTENANCE OF AUTOMATED EXTERNAL DEFIBRILLATORS**

These guidelines are established as guidance to those who use School District Automated External Defibrillators ("AEDs") in appropriate emergency medical situations. These guidelines do not create an obligation to use the AEDs nor do they create an expectation that an AED will be available or that a trained employee will be present and/or able to use the AED in the event of a medical emergency. Any individual using a School District AED is subject to the immunities established in R.C. 2305.235 and R.C. 3313.717.

AED SAFETY COORDINATOR

The High School Athletic Director, or the Superintendent, will perform the duties of AED "Safety Coordinator."

MEDICAL AUTHORIZATION FOR THE AED PROGRAM

Prior to authorizing use of the AEDs in the School District, the Safety Coordinator will secure a prescription for such use from an appropriate medical practitioner, as identified below. In order to maintain the prescription, the Safety Coordinator will assure that the serial numbers from all School District AEDs are forwarded to the identified medical practitioner along with all initial and on-going staff training records. Such information will also be provided to the local emergency medical service provider.

The Safety Coordinator will seek a case review by the prescribing medical practitioner in the event that a School District AED is used.

TRAINING OF "EXPECTED USERS"

Individuals in the following positions are hereby identified as "expected users" of School District AEDs:

A. all School District administrators;

B. all school nurses;

C. athletic director(s);

D. all athletic trainers;

E. all physical education teachers;

F. all members of the coaching staff of an interscholastic athletic team;

G. additional staff as deemed appropriate by each building administrator.

Individuals who are presently employed under a regular or supplemental contract for any of these positions must complete a training course in the use of the AED as well as CPR as described below. Any of these individuals who is able to produce evidence of completion of the requisite training within the two (2) years prior to the adoption of these guidelines is not required to undergo such training again. Any individual who is awarded a contract or supplemental contract for any of these positions subsequent to the adoption of these guidelines must seek appropriate training within a reasonable period of time.

The Safety Coordinator will contact the local emergency medical service provider to schedule and coordinate training in a program consistent with the training protocols established by the National Center for Early Defibrillation (www.early_defib.org) and conducted by an organization listed by the National Center. The Safety Coordinator will maintain all records evidencing training. All training will be in compliance with State and/or Federal law.

All expected users must annually complete an AED-CPR skill proficiency demonstration. Each individual's annual performance will be reviewed in cooperation with the local emergency medical service provider. The Safety Coordinator will arrange this annual review with the local emergency medical service provider as well as remediation as appropriate.

AED MAINTENANCE

All School District AEDs must be maintained and tested according to the manufacturer's guidelines.

The Safety Coordinator will retain all manufacturer's guidelines in his/her office along with any additional specifications or technical information for each approved AED model made available for use in the School District.

The Safety Coordinator will oversee the performance of regular maintenance of School District AEDs in accordance with the intervals established by the manufacturer. The Safety Coordinator or a designee will perform monthly checks of the AED defibrillator pads and batteries to assure compliance with expiration dates. The Safety Coordinator will re-order replacement supplies for the AED upon determining that existing supplies will expire within the ensuing two (2) months.

The Safety Coordinator or a designee will maintain a weekly checklist to document the proper maintenance of the AEDs as well as monthly inspections.

Following use of an AED, the Safety Coordinator must replace all single use items associated with the AED as quickly as possible.

AED LOCATIONS

Each Building Principal must identify a location for the storage of any AED assigned to his/her school building. The location for storage of an AED should be made in consultation with the Safety Coordinator and must be a location which is obviously visible to expected users in the event of an emergency and which is accessible outside of normal school hours. Upon installation, the Safety Coordinator must notify all area emergency medical services of the locations of all AEDs.

If an AED is made available for use outside of regular school hours at a site other than a normal fixed location, such as at an athletic contest, then the AED may be transported by any expected user to such a location. The individual responsible for transport must inform all other expected users regarding the location of the transported AED upon arrival.

GUIDELINES FOR USE OF AEDs

Prior to use of an AED, the AED user should assess the scene of the medical emergency for safety. The expected user should make the scene of the emergency as safe as possible prior to use of the AED, including placing the person on a hard surface away from standing water. Users are not expected to place themselves at risk in order to provide aid to others.

Unless otherwise specified by the manufacturer, AEDs should only be used on a person who is at least eight (8) years old and/or eighty (80) pounds. **The AED should be attached only to victims who are unresponsive, not breathing normally and have no detected pulse.**

Procedures For Use During School Hours

A. After assessing the symptoms described above, a responsible adult shall alert the main office either by calling the main office on any school phone, or by sending a runner to the Building Principal. The responsible adult shall provide the main office with information regarding the location of the medical emergency, the symptoms of the individual, and detailing any safety issues related to the scene.

B. The Principal or a designee shall immediately contact emergency medical services by calling 911, and shall contact and dispatch a trained expected AED user from the school building to the location of the emergency.

C. The Principal or designee shall retrieve the AED for delivery to the scene.

D. Any person may use an AED and/or administer CPR in a medical emergency even if that person has not received or completed training to do so.

E. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AED.

F. The trained expected AED user should administer CPR or the AED in accordance with training until arrival of emergency medical services personnel.

G. The AED(s) user, in consultation with the building Principal, must complete a School District incident report, including the names of the responding emergency medical services personnel and any relevant facts relating to the incident. The incident report will be retained in the files of the School District.

H. After use, the AED should remain off unless needed for an additional emergency.

Procedures For Use Outside Of Regular School Hours

A. After assessing the symptoms described above, a responsible adult shall alert a trained expected AED user, including any member of a coaching staff or the Safety Coordinator. The responsible adult shall provide the trained expected AED user with information regarding the location of the medical emergency, the symptoms of the individual and detailing any safety issues related to the scene.

B. Any person may use an AED and/or administer CPR in a medical emergency even if that person has not received or completed training to do so.

C. The trained expected AED user shall immediately designate another responsible individual to contact emergency medical services by calling 911, and shall immediately respond to the location of the emergency.

D. If there is no AED at the scene, the trained expected AED user shall retrieve or designate another responsible individual to retrieve the AED.

E. Upon arrival, the trained expected AED user must assess the symptoms of the person and assess whether the person meets the criteria for use of the AED.

F. The trained expected AED user should administer CPR or the AED in accordance with training until arrival of emergency medical services personnel.

G. The AED(s) user, in consultation with the Building Principal, must complete a School District incident report, including the names of the responding emergency medical services personnel and any relevant facts related to the incident. The incident report will be retained in the files of the School District.

H. After use, the AED should remain off unless needed for another emergency.

COLLECTION OF DATA FOLLOWING THE USE OF AN AED

Immediately following a medical emergency and the use of an AED, the AED user(s) must report the details of the incident to the Building Principal and the Safety Coordinator. Thereafter, the Safety Coordinator and Building Principal will conduct a case review.

PROCEDURES FOLLOWING A CRITICAL EVENT

Following an incident involving the use of an AED, the Safety Coordinator will convene an informal stress debriefing for all individuals involved in the incident. The Safety Coordinator may seek input from the local emergency medical service provider if determined appropriate.

Within a reasonable period of time after an incident involving the use of an AED, the Safety Coordinator must convene a meeting of all individuals involved in the incident to review the procedures as set forth herein and to make recommendations for any amendments to these guidelines.

© Neola 2015

ag8453

EXPOSURE CONTROL PLAN FOR HANDLING AND DISPOSING OF BODY FLUIDS

8453 - **EXPOSURE CONTROL PLAN FOR HANDLING AND DISPOSING OF BODY FLUIDS**

All school staff should be aware of the risks involved when exposed to and dealing with body fluids. It must be assumed that all body fluids are potentially infectious and by following procedures for universal infection control the risks can be greatly reduced and the possibility of accidental infection can be minimized or prevented. A surface should be considered contaminated if blood or the reasonably anticipated presence of blood or other potentially infectious body fluids occur, even if the contaminates have dried. Certain pathogens (e.g. HCV) remain viable for extended periods in dried blood.

Sources of Infectious Organisms in Body Fluids

Source	Organism	Transmission
Blood	HBV	Contact with broken skin or membrane
- cuts/abrasions	HCV	
- nosebleeds	HIV/AIDS	
- menses	Cytomegalovirus	
- needles		
- human bites		
Feces	HAV	Oral inoculation from hands or food
	Salmonella bacteria	
	Shigella bacteria	

	Rotavirus	
Urine	Cytomegalovirus	Bloodstream, oral, and mucus membrane inoculation from hands
Respiratory Secretions	HBV	Bloodstream, oral, and mucous membrane
- saliva	Tuberculosis	
- nasal discharge	Mononucleosis V	
	Influenza V	
	Common cold V	
	Meningitis	
Vomitus	Gastrointestinal V	Oral from contaminated hands (see "blood")
- may contain blood	(Rotavirus)	
	See "blood"	
Semen	HBV	Sexual contact
	HIV/AIDS	(unprotected)
	Venereal Disease	

Materials and equipment required and made available to dispose of body fluids include:

Antibacterial soap

Portable water

Paper towels

Latex and non-allergenic gloves

Hazardous material bags (red) and labels

Hazardous material (sharps) container

(puncture proof and leak proof)

Buckets and mops

Disinfectant solutions from the following list:

A. Sodium hypochlorite solution (household liquid bleach), one (1) part bleach to ten (10) parts water (1-1/2 cups bleach to one (1) gallon of water, freshly prepared)

B. Phenolic germicidal detergent in a one percent (1%) aqueous solution (Lysol)

C. Quaternary ammonium germicidal detergent in two percent (2%) aqueous solution (Tri-quat, Mytar, Sage)

D. Iodophor germicidal detergent with 500ppm available iodine (Wescodyne)

E. Sanitary absorbing agent (Chlora Sorb, X-O Odor Away)

Universal Infection Control Procedures

A. GENERAL

1. Wear disposable latex or non-allergenic gloves before making contact with body fluids during care, treatment, and all cleaning procedures.

2. Dispose of gloves and disposable cleaning materials in hazardous materials container (bag).

3. Wash hands with an antibacterial soap-even if gloves are worn.

4. Discard disposable items including tampons, sanitary napkins, used bandages, dressings in a hazardous materials container. (Rest rooms should have waste receptacles lined with hazardous waste bags.)

5. Close and label hazardous waste containers (bags) and dispose of in accordance with public health guidelines as provided by the Trumbull County Public Health Office. Note: be sure your waste disposal carrier is authorized to dispose of hazardous waste materials.

6. Use disposable items to handle body fluids whenever possible. Discard items in accordance with Item 5 above. If handling vomitus or feces, use a second barrier (i.e. plastic bag) in addition to gloves.

B. HANDWASHING

1. Use anti-bacterial soap and warm running water.

2. Rub hands together to work up a lather-scrub between fingers, knuckles, backs of hands, under fingernails.

3. Rinse thoroughly.

4. Dry with paper towel or hot air. If paper towels are used, dispose of in an appropriate container.

C. WASHABLE SURFACES

1. **Tables, desks** (wear gloves)

    a. Use household bleach solution of one (1) part bleach to ten (10) parts water-freshly mixed.

    b. Rinse with fresh water.

c. Repeat "a"

d. Repeat "b"

e. Allow to air dry.

f. Dispose of gloves and wiping materials in a hazardous waste container.

2. **Floors** (wear gloves)

a. Use household bleach solution as previously described.

b. Use a mop and two buckets- one for bleach solution and one for rinse water (with bleach or Lysol solution).

1. in bucket #1, dip, wring, mop up vomitus, blood

2. dip, wring, and mop until body fluids are cleaned up

3. dip mop into bucket #2, wring, re-mop (rinse) area

4. continue cycle until all spills are cleaned up - using fresh solutions as necessary

c. Soak mop in disinfectant solution after use.

d. Disposable cleaning materials should be placed in a hazardous waste container.

e. Pour solutions down a drain pipe - flush thoroughly.

f. Rinse non-disposable cleaning equipment in disinfectant.

g. Dispose of gloves in a hazardous waste container.

h. Wash hands as described in B.

D. Non-washable surfaces (rugs, upholstery)

1. Apply sanitary absorbing agent, dry, vacuum.

2. Remove solid materials with broom and dustpan - use second barrier if necessary to use hands.

3. Apply rug or upholstery shampoo as directed - vacuum according to directions.

4. Clean dustpan and broom (if used) in disinfectant solution - air.

5. Dispose of gloves in a hazardous materials container.

6. Wash hands as described in B.

E. Washable Materials (clothing, towels, etc.)

1. Rinse item under running water.

2. Place item in a hazardous materials bag and seal until item is ready to be washed. Bags containing soiled, washable material must be clearly identified as "Hazardous Material" if an outside laundry service is used. Contact-sports uniforms should be closely inspected for blood and handled in an appropriate manner.

3. Rinse and wipe sink with paper towels - dispose of towels in a hazardous waste container.

4. Wash potentially contaminated materials separate from others - dry as usual. If material is color-fast add one-half (1/2) cup bleach to the wash cycle. Otherwise, add one-half (1/2) cup non-chlorine bleach (Clorox II, Borateem) to the wash cycle.

5. Dispose of gloves in a hazardous waste container.

6. Wash hands as described in B.

Accessibility of equipment and materials

A. Latex and/or non-allergenic gloves shall be available at all work stations in all buildings and outdoor facilities.

B. Cleaning equipment and solutions as described in the Materials and Equipment section shall be made readily available to all work stations.

C. A hazardous material container (biohazard container, sharps container) with a cover which is puncture proof and leak proof shall be kept in a central location (central office, nurse's station) for proper disposal of needles and lancets used for medicinal purposes. Periodically, this container shall be disposed of and replaced in accordance with public health guidelines.

D. Hazardous waste (red) trash can liners shall be used in all rest rooms and shall be properly labeled and disposed of in a timely manner and in accordance with public health guidelines.

E. Broken glass, plastics, or other small materials which have been contaminated with body fluids shall be placed in a puncture-proof, leak-proof container with a lid, labeled as hazardous material and disposed of in accordance with public health guidelines.

This guideline is not meant as an all-inclusive list of infectious organisms that may be contained in body fluids. Additionally, the use of brand name cleaning agents or other products in this guideline are meant as examples only and are not endorsements of the specific products mentioned herein.

© Neola 2012

ag8453.01

CONTROL OF BLOOD-BORNE PATHOGENS

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The following guidelines provide for the District's compliance with Federal regulations for protecting staff members against exposure to blood-borne pathogens and other infectious materials which can cause Hepatitis B and/or HIV viruses.

A. **Exposure Determination**

Staff members in the following job classifications have responsibilities for which they could reasonably anticipate exposure to blood and other potentially-infectious materials:

1. school nurses
2. custodians
3. teachers and aides who work with students who are prone to biting, scratching, and other such actions that can cause bleeding or exposure to saliva and other body fluids
4. teachers in vocational/technical education whose students work with equipment that can cause cuts or other injuries that produce bleeding
5. members of a school staff who have been designated to provide first aid when and if necessary
6. coaches
7. bus drivers

B. **Inoculation**

Each of the staff members in the above-named categories shall be offered free vaccination with the Hepatitis B vaccine after training and within ten (10) days after reporting for duty at the start of the school year or when employed.

The School Nurse shall determine which hospital or other health service shall give the vaccinations and do the necessary follow-up testing. S/He shall:

1. arrange a schedule for vaccinations which makes it possible for the staff members to be vaccinated during their work time;

2. obtain the necessary information concerning the efficacy, safety, administration, and benefits of the vaccine so that each staff member can be properly informed prior to making a decision as to whether or not s/he wishes to be vaccinated;

3. ensure that the results of postvaccination testing are properly recorded and kept confidential.

If the staff member declines, s/he shall complete Form 8453.01 F1 which shall be placed in the staff member's confidential file. (See AG 8320 - Personnel Records)

If the staff member chooses to be vaccinated, s/he shall sign Form 8453.01 F4 and report to the local vaccine provider in accordance with the schedule.

C. **Precautions**

A plan should be developed to identify the likely situations where staff members could be exposed, to describe how such situations can be minimized, and the ways in which exposure will be managed. AG 8453 provides a set of procedures for the proper handling of bodily fluids. Each of the staff members in the "at-risk" categories identified above are to be trained in these procedures when employed and at the beginning of each school year. The instructor is to be someone knowledgeable about blood-borne pathogens and other potentially-infectious materials, how they may be transmitted in a school setting, vaccinations, and the precautionary procedures. At the completion of the training, each staff member is to sign Form 8453.01 F2 confirming the date and content of the training and that s/he understands the content.

D. **Postexposure Evaluation and Follow-up**

Whenever a staff member has contact with blood or other potentially-infectious material, s/he shall immediately contact School Nurse and complete Form 8453.01 F3. The District shall offer the staff member a confidential medical evaluation by the local health service.

The parents of the student who caused the exposure are to be contacted promptly to obtain permission for the testing of the student's blood for Hepatitis B and HIV viruses either in cooperation with their physician or by the local health service. (see Form 8453.01 F5 and Form 8453.01 F6)

The exposed staff member is to be informed of the test results, if available, with the parents consent and in accordance with Federal and State laws concerning confidentiality.

The staff member's blood should then be tested with his/her consent. The staff member shall also receive postexposure treatment, if so indicated by the Public Health Service or treating physician.

The healthcare professional conducting the medical evaluation is to be provided:

1. a copy of the Federal regulations concerning the Exposure Control Plan;

2. a copy of Form 8453.01 F2;

3. a copy of the staff member's job responsibilities vis-a-vis the exposure;

4. the results of the student's blood test, if available;

5. a copy of the staff member's medical records.

The health care professional shall within five (5) days after the evaluation provide the District with a written opinion containing:

a. a possible recommendation for Hepatitis B vaccination, if the staff member has not already been vaccinated;

b. confirmation that the staff member has been adequately informed of the evaluation results and any further evaluation or treatment deemed necessary.

The staff member is to be given a copy of the written opinion within fifteen (15) days after receipt by the District. The original opinion is to be filed in the staff member's confidential medical file.

E. **Training**

Blood-borne pathogen training is required within ninety (90) days of initial employment, at the time of initial assignment to tasks where occupational exposure may take place, and at least annually thereafter.

F. **Medical and Training Records**

Medical records of the staff members must identify them by name and social security number and include any and all results of the status of Hepatitis B, examinations, testing, follow-up care, and written opinions. All such information shall be kept in the staff member's confidential files (AG 8320) and retained for the period of their employment plus thirty (30) years.

Training records must include the dates and content of the training, the name and qualifications of the instructors, and the names and job titles of the staff members. Each staff member's training record (Form 8453.01 F2) shall be kept in his/her personnel file for three (3) years after the training date.

ag8453.02

STUDENT CONTROL OF BLOOD-BORNE PATHOGENS

8453.02 - **STUDENT CONTROL OF BLOOD-BORNE PATHOGENS**

The following guidelines are designed to protect students against exposure to blood borne pathogens in the school environment and/or during their participation in school-related activities.

A. **Exposure Determination**

Students may be exposed to blood-borne pathogens in situations, including, but not limited to the following:

1. Engaging in activities with other students in the school environment (e.g., physical education class) where physical injuries or other actions that can cause bleeding or exposure to saliva and other body fluids may occur.

2. Working with equipment in the school environment that can cause cuts or other injuries that produce bleeding.

3. Participating in extracurricular activities (i.e., athletic activities) where physical injuries or other actions that can cause bleeding may occur.

B. **Precautions**

AG 8453 provides a set of procedures for the proper handling of body fluids and the Universal Infection Control Procedures to be used by staff. Consistent with AG 8453.01, each of the designated staff members are to be trained in the above-referenced procedures when employed and at the beginning of each school year. The instructor is to be someone knowledgeable about blood-borne pathogens and other potentially-infectious materials, how they may be transmitted in a school setting, vaccinations, and the precautionary procedures. At the completion of the training, each staff member is to sign Form 8453.01 F2 confirming the date and content of the training and that s/he understands the content.

C. **Postexposure Evaluation and Follow-up**

Whenever a student has contact with blood or other potentially infectious material, s/he shall immediately notify his/her teacher, who will contact the School Nurse and assist the student in completing Form 8453.02 F1.

1. The parents of the student who was exposed are to be contacted immediately regarding the exposure and encouraged to have the student's blood tested for Hepatitis B and HIV either by their physician or local health service. The student's parents are encouraged to consult with the student's physician concerning any necessary postexposure treatment.

2. The parents of the student who caused the exposure are to be contacted immediately and advised to have the student's blood tested for Hepatitis B and HIV viruses either in cooperation with their physician or local health service. (See Form 8453.02 F1 and Form 8453.02 F2).

© Neola 2006

ag8462

CHILD ABUSE OR NEGLECT

8462 - **CHILD ABUSE OR NEGLECT**

In compliance with Board of Education policy and State statute, Board employees and officials are required to report to the proper legal authorities (i.e., the public children's services agency or local law enforcement agency) suspected child abuse or neglect. A child may suffer from physical abuse and neglect, sexual abuse, and/or emotional maltreatment. Basically, physical abuse is the nonaccidental, physical injury of a child; physical neglect is the failure to provide adequate parental care, support, medical attention, and education for a child; sexual abuse is any indecent sexual activity involving the child; and emotional maltreatment is the failure to provide warmth, attention, supervision, and/or normal living experiences for a child. Child abuse/neglect reporting procedures apply to students under the age of eighteen (18) and students under the age of twenty-one (21) who are physically impaired, mentally retarded, or developmentally disabled who have been abused (physically or mentally) or neglected or face the threat of being abused or neglected.

The following definitions shall apply:

A. **Abused Child**

Refers to a child who is a victim of sexual activity; is endangered under criminal law; exhibits evidence of any physical or mental injury or death inflicted by other than accidental means; or because of acts of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.

B. **Neglected Child**

Refers to any child who is abandoned, lacks adequate parental care because of the faults or habits of the child's parent, guardian, or custodian, or meets other criteria established by law.

C. **Mental Injury**

Refers to any behavioral, cognitive, emotional or mental disorder in a child caused by an act or omission that is described in the statute prohibiting the offense of endangering children and is committed by the parent or other person responsible for the child's care.

D. **Adequate Parental Care**

Includes adequate food, clothing and shelter to ensure that the child's health and physical safety and specialized services warranted by the child's physical or mental needs.

E. **Physically Impaired**

Refers to a child having one or more of the following conditions that substantially limit one or more of the child's major life activities (self-care, receptive and expressive language, learning, mobility, and self direction):

1. a substantial impairment of vision, speech or hearing

2. a congenital orthopedic impairment

3. an orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause

In addition, the following may be considered signs of such abuse or neglect and should be reported immediately:

A. malnutrition and/or basic deprivation

B. significant history (siblings abused)

C. direct parental threats or admission of abuse or neglect

D. symptoms of venereal disease

E. dental injuries or eye injuries

F. head injuries

G. repeated burns or poisoning

H. scars and bruises in unusual locations (neck, back, buttock, under arms, behind knees, tops and bottoms of feet)

I. injuries reflecting direct blows or use of instruments

A child who is being abused may also:

A. be hyperactive;

B. act fearful of adults;

C. cling to adults;

D. be anxious, tense, and nervous.

Procedure for Reporting

All **suspected** cases are to be reported even if documentation is not available. The law provides protection for the reporting staff member who acts in good faith. All staff members who suspect that a child is being, has been, or faces the threat of being abused or neglected must immediately report to the public children's services agency or local law enforcement agency.

While the obligation to report belongs to each individual who suspects child abuse/neglect, there is nothing prohibiting a reporting employee who has notified the principal and the principal from making the oral report jointly to the appropriate agency; however, the coordination of a joint report should not significantly delay or detract from the obligation of each individual to immediately report suspected child abuse/neglect.

Child abuse/neglect reporting procedures should be reviewed with staff members periodically, including the potential criminal penalties for failing to report suspected abuse and/or neglect.

A. The oral report notifying the children services or law enforcement agency shall occur immediately after the staff member first suspects the abuse or neglect.

B. In order to facilitate a thorough and effective report, efforts should be made to provide the appropriate agency with any readily available supporting information concerning the incident. Staff members may use the checklist provided in Form 8462 F1 as a guide to assist in organizing readily available information prior to making the call. (Under no circumstances should the report be delayed on the basis that any such information is not readily available.)

C. Since it is the responsibility of the social worker and/or law enforcement agency to investigate possible abuse and/or neglect, school personnel should not pressure the child to divulge information regarding any injury or other circumstances surrounding the abuse and/or neglect. The school need not prove that abuse and/or neglect exists before reporting. They need only suspect that abuse and/or neglect has or is currently occurring.

D. The oral report shall be followed, not more than five (5) days later, by a written report from the staff member, if requested by the social service or law enforcement agency receiving the oral report. The report is to include all information given at the time of the oral report and any other information that is available from the school that may be helpful in the investigation of the report.

INVESTIGATION OF CHILD ABUSE OR NEGLECT

Investigators who seek to interview a student who is a suspected victim of abuse or neglect are subject to the interrogation procedures in Board Policy 5540.If the interviewer directs that parents are not to be notified, the principal shall record this direction and request the interviewer to sign a written statement that s/he directed the principal to permit the interview without prior notification of the parents. If the interviewer refuses to sign the statement, the principal shall prepare another written statement

A. have an inappropriate reaction to the severity of injury;

B. express unreasonable expectations for the child's performance;

C. claim conditions that do not exist, e.g.

"S/He bruises easily."

"S/He moves constantly." (Child sits quietly.)

D. indicate family problems such as marital discord, crowding, financial stress, psychological disorders, retardation, alcohol or drug addiction, etc.

When it is necessary to deal with parents who are suspected of child abuse, the staff member should try to be sympathetic and communicate a readiness to help. Parents are often beset by serious personal problems and possibly were themselves abused or neglected as children.

Suspected Abuse by Staff Members

If a staff member is suspected of abuse, his/her supervisor should be notified immediately and the matter kept in strict confidence by the reporting person. The supervisor shall follow the Board's due-process procedures for investigating and addressing an employee's actual or alleged violation of any law or Board policy. This procedure does not negate the requirement for the reporting person to report the suspected abuse to the proper agency. While the obligation to report belongs to each individual who suspects child abuse/neglect, there is nothing prohibiting the reporting employee and the supervisor from making the oral report jointly to the appropriate agency; however, the coordination of a joint report should not delay the report of suspected child abuse/neglect.

ag8470

SEX OFFENDER NOTIFICATION

8470 - **SEX OFFENDER NOTIFICATION**

Ohio's "Sex Offender Registration and Community Notification" law requires all "habitual sex offenders" and adjudicated "sexual predators" (hereinafter "offenders") to register with the sheriff of the county in which they reside. The sheriff must then notify certain community members including the Superintendent of the School District in which such an offender resides. Upon verification of such information, the sheriff may also notify certain community members, including the Superintendent of the School District, that the offender is employed and/or attends an institution of higher education within geographical notification area. If the offender is a juvenile, the sheriff will notify the building principal of the school that the delinquent child attends, and if the delinquent child attends a school outside the school district where s/he resides, the sheriff will notify the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school the child attends. If a building principal receives such a notice from the sheriff, s/he shall immediately notify the Superintendent who will proceed to notify school employees as set forth below.

Notice to School Employees:

When the Superintendent is notified that a habitual sex offender or sexual predator has registered with the county sheriff as a resident of the District, the Superintendent shall notify all employees whose duties include the supervision of and/or responsibility for students. Employees who may be notified include all administrators, principals, teachers, tutors, educational aides, coaches, guidance counselors, school psychologists, librarians, building-level secretaries, transportation coordinators, bus drivers (particularly drivers responsible for the bus routes and stops within the area where the offender resides), and custodial personnel and others who monitor the presence of non-school personnel on school property. Other employees who may have duties which include the supervision of and/or responsibility for students also may be notified at the discretion of the Superintendent.

Information provided by the notice shall include the offender's name, address, and the offense of which s/he was convicted or to which s/he pleaded guilty. The notice shall also include a physical description and/or photograph of the offender to the extent that the Superintendent has been supplied with such information. If such information has not been provided to the Superintendent, the Superintendent will attempt to secure such information from the sheriff to facilitate identification of the sexual offender/predator. If the offender is a juvenile who is attending a school in the District, the notice will also identify the school s/he attends and his/her grade level.

Notification shall take place in the following manner:

A. Notices will be disseminated by the building principals in a manner determined appropriate to ensure that information remains confidential and restricted to only those person identified above.

B. Employees provided such information are required to maintain said information as confidential and to store all materials disseminated under this policy in a manner guaranteed that they remain confidential and are not lost, stolen, or released or viewed by unauthorized persons.

C. If the Superintendent receives notice from the sheriff that the offender has relocated outside the School District, all employees will be notified and required to return all materials relating to that offender to the Superintendent for proper disposal within five (5) school days.

Reporting Procedure:

A. If an offender who does not attend the school is observed on or near school property or a bus stop area by an employee who has been so notified, and the offender's presence appears to be without a legitimate purpose or otherwise creates concern for the safety of students, the employee shall immediately alert the building principal and take such other action as may be deemed necessary by the employee to protect the students (e.g., remove all students from the area).

B. The building principal is responsible for notifying the Superintendent and should take such other action as may be deemed necessary by the principal to protect the students (e.g., remove all students from the area).

C. The Superintendent is responsible for notifying the Niles City police department, if in his/her judgment, the presence of the sexual predator or habitual sex offender appears to be without a legitimate purpose or otherwise creates concern for the safety of students.

D. The Superintendent shall work with the police to make sure appropriate action is taken to address the situation.

E. Employees should generally not attempt to communicate directly with the offender, unless the circumstances warrant such communication.

F. "Legitimate purpose" shall be defined as the individual having a specific, legal purpose for being on school property (e.g., attending and/or participating in a meeting, activity, or event which is taking place on school property and which is open to the general public; attending a parent-teacher conference/meeting; attending a student performance or athletic event in which his/her child is participating), and the individual is complying/comporting his/her conduct with Board policies.

Confidentiality:

All information contained in the notice to employees is confidential and may not be discussed with or released to any persons not identified above in the section entitled "Notice to School Employees". Unauthorized disclosure of this information to other employees, students, or persons outside the school system may result in disciplinary

action and/or individual civil liability. Such action shall be considered to be outside the scope of the individual's employment with the District.

All sexual offender records retained by the Superintendent and school employees are exempt from disclosure under R.C. 149.43.

Community Notification:

The Superintendent shall not release information concerning an offender who is subject to Community Notification laws to any person other than those employees identified above and as required by law. Persons not identified above who wish to receive information concerning the offender shall be directed to the office of the sheriff with whom the offender has registered.

ag8500A

NUTRITIONAL GUIDELINES

8500A - **NUTRITIONAL GUIDELINES**

The Ohio Department of Education (ODE), Office for Child Nutrition (OCN), and the U.S. Department of Agriculture (USDA) shall provide necessary guidelines for nutrition standards to be followed regarding food and beverage items available for sale at school. When the ODE software is provided, it shall be used to determine the nutritional value of each food item and beverage available for sale at school. In addition, the school shall comply with the following requirements of the Health Choices for Healthy Children Act and the USDA Smart Snacks in School nutrition standards:

A. Any food sold in schools must:

1. be a "whole grain-rich" grain product; or

2. have the first ingredient a fruit, a vegetable, a dairy product, or a protein product; or

3. be a combination food that contains at least one-fourth (1/4) cup of fruit and/or vegetable; or

4. contain ten percent (10%) of the Daily Value of one(1) of the following nutrients: calcium, potassium, vitamin D, or dietary fiber.

B. "Entree items" are defined as items that are either a:

1. combination food of meat or meat alternative and whole grain rich food; or

2. combination food of vegetable or fruit and meat or meat alternate; or

3. meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (such as dried beef jerky).

Entree items (except entree items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered on the NSLP or SBP menu) must meet the following criteria:

1. contain less than 350 calories

2. contain less than 480 milligrams of sodium

3. contain a total fat content that composes less than thirty-five percent (35%) of the calories

4. contain a saturated fat content that composes less than ten percent (10%) of the calories

5. contain no trans fat, and

6. contain a total weight from sugar of less than thirty-five percent (35%) of the total food

Food not meeting the definition of entree (including all snacks and a la carte items) must meet the following criteria:

1. contain less than 200 calories

2. contain less than 230 milligrams of sodium

3. contain a total fat content that composes less than thirty-five percent (35%) of the calories

4. contain a saturated fat content that composes less than ten percent (10%) of the calories

5. contain no trans fat, and

6. contain a total weight from sugar of less than thirty-five percent (35%) of the total food

The following items are exempt from all nutrition standards:

1. fresh fruits and vegetables with no added ingredients except water

2. canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup, and

3. canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable

The following items are exempt from the total fats standard:

1. reduced fat cheese (including part-skim mozzarella)

2. nuts and seeds and nut/seed butters

3. products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats, and

4. seafood with no added fat

The following items are exempt from the saturated fat standard:

1. reduced fat cheese (including part-skim mozzarella)

2. nuts and seeds and nut/seed butters

3. products consisting on only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

The following items are exempt from the sugar standard:

1. dried whole fruits or vegetables

2. dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners

3. dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries, or blueberries), and

4. products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

Accompaniments (condiments) such as cream cheese, salad dressing, and butter must be included in the nutrient profile as part of the food item sold.

C. Allowable beverages sold in school are limited to:

1. Elementary Schools:

   a. water (no flavors): unlimited container size;

   b. milk (low fat unflavored or fat free flavored or unflavored): up to eight (8) ounce container size; and

   c. juice (100% fruit juice, 100% fruit juice and water blend with no added sweeteners): up to eight (8) ounce container size provided that the drink contains no more than 160 calories per eight (8) ounces.

2. Middle Schools:

   a. water (no flavors): unlimited container size;

   b. milk (low fat unflavored or fat free flavored or unflavored): up to twelve (12) ounce container size; and

c. juice (100% fruit juice, 100% fruit juice and water blend with no added sweeteners): up to ten (10) ounce container size provided that the drink contains no more than 160 calories per eight (8) ounces.

3. High Schools:

a. water (no flavors): unlimited container size;

b. milk (low fat unflavored or fat free flavored or unflavored): up to twelve (12) ounce container size;

c. juice (100% fruit juice, 100% fruit juice and water blend with no added sweeteners): up to twelve (12) ounce container size provided that the drink contains no more than 160 calories per eight (8) ounces;

d. any beverage that contains no more than forty (40) calories per eight (8) ounces (or sixty (60) calories per twelve (12) ounces): up to twelve (12) ounce container size;

e. calorie-free, flavored water: up to twenty (20) ounce container size; and

f. any beverage that contains no more than five (5) calories per eight (8) ounces (or ten (10) calories per twenty (20) ounces) including caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring: up to twenty (20) ounce container size.

Schools with a blend of grade groups (e.g., K-8) must follow the stricter rule for the entire grade group.

© Neola 2014

ag8500

FOOD AND BEVERAGE SALES

8500 - **FOOD AND BEVERAGE SALES**

Any student organization or District-support organization that seeks to raise funds by means of food or beverage sales must comply with the following guidelines in order to obtain approval for such sales on District premises:

A. No sales may take place during the hours that the District is providing food service to students.

B. Items sold through vending machines must comply with the conditions stated in Board Policy 8540 - Vending Machines.

C. A plan must be submitted which describes:

1. the items to be vended;

2. the time, date, and location at which the items will be sold;

3. provisions for proper preparation of the food and/or beverage items;

4. provisions for the proper sanitation during and after the vending of the items and for the proper clean-up of the area(s), when applicable;

5. how the funds will be safe-guarded during and after the vending of the items;

6. the extent to which students are to be involved in the vending of the items and how much of their school and/or study time will be used for the planning and conduct of the activity.

The plan is to be submitted to the Principal at least five (5) days prior to the fund-raising activity.

The sponsor of the activity must agree that the activity will be in compliance with all District policies and administrative guidelines related to food service and fund-raising.

© Neola 2014

ag8600

TRANSPORTATION

8600 - **TRANSPORTATION**

The following guidelines are established to implement the Board of Education policy on transportation.

A. **Administrative Responsibilities**

The Transportation Supervisor is responsible for planning and operating the transportation program and for the maintenance of all District vehicles. Included within this scope of responsibility are:

1. establishing bus routes and time schedules in accordance with State laws and Board policy;

2. monitoring student arrival times to ensure students do not arrive late to school, are dropped off more than thirty (30) minutes before school starts, or picked up more than thirty (30) minutes after school dismisses;

3. coordinating the dispatching operations;

4. supervising and analyzing vehicle maintenance programs;

5. preparing and submitting all State/Federal reports;

6. selecting, training, and supervising bus drivers;

7. preparing transportation budgets;

8. developing specifications for bids on buses, equipment, and/or contracted services;

9. verifying the qualifications of bus drivers;

10. determining whether transportation shall be provided for an eligible resident student in accordance with Board policy;

11. determining which resident students qualify for transportation to and from a State-chartered nonpublic school or an approved community school;

12. collaborating with the Superintendent to determine the reasonableness and practicality of transporting an eligible resident student to and from their school of attendance and developing transportation plans for eligible students;

13. coordinate with the Liaison for Homeless Children to arrange for joint transportation of homeless students when necessary;

14. monitor operations and track possible compliance violations, which include noncompliance with any other transportation requirements pursuant to State law and regulations;

15. communications from the Department of Education and Workforce in reference to noncompliance will be referred to the Superintendent;

16. develop responses and/or corrective action plans in consultation with other District staff for submission to the Department of Education and Workforce.

Quality transportation services require cooperation and effective communication with the Principal/designee who shall be responsible for:

1. communication to parents and students concerning student behavior, safety, schedules, and the like;

2. addressing all behavior problems;

3. managing overcrowding and/or unsafe conditions or practices to the Transportation Supervisor.

B. **Bus Conduct**

1. Parents are to be informed that the bus driver is the sole authority on the bus while students are being transported and that students are subject to discipline, up to and including removal from bus transportation for unsafe riding practices.

2. Parents are also to be informed that they are responsible for:

    a. the safety of their child while going to or from the bus stop and while waiting for the school bus, including waiting for a school bus in a location clear of traffic and away from the bus stop;

    b. their child being at the bus stop at least ten (10) minutes prior to scheduled pick-up time;

    c. damage by their child to school buses, personal property, or public property.

3. Students are expected to conduct themselves in a proper manner at bus stops.

4. Students will ride only assigned school buses and will board and depart from the bus at their assigned bus stops. Students will not be permitted to ride unassigned buses for any reason other than an emergency, except as approved by the Principal and Transportation Supervisor.

5. A change in a student's regular assigned bus stop may be considered for a special need, if a note from a parent is submitted in accordance with District procedures stating the reason for the request and the duration of the change and approved by the Transportation Supervisor.

6. A permanent transfer to another route or bus stop for morning pick-up and/or afternoon drop-off will only be made upon the approval of the Transportation Supervisor.

7. When necessary to reach the residence side of the road, students shall cross all streets at least ten (10) feet in front of the school bus and after the driver has signaled the student that it is all right to do so.

8. For the safe operation of the school bus, noise on buses shall be kept at a minimum, with students speaking in reasonable conversation voices. Students must be quiet at railroad crossings and other danger zones as designated by the bus driver.

   Both the use of a bus radio and the station or programs which students listen to must be approved by the bus driver.

9. The following cargo is forbidden to be transported on a school bus: pets, alcoholic beverages, drugs, ammunition, explosives, firearms, knives, or any other dangerous materials or objects. If there is a question on the transportation of a particular item, the Both the use of a bus radio and the station or programs which students listen to must be approved by the bus driver. should be consulted.

C. **Student Surveillance**

In accordance with Board policy, appropriate equipment for video recording the interior of the buses or alternative vehicles while transporting students may be installed. Follow the District's purchasing practices (AG 6320A) in obtaining such equipment and abide by the following guidelines for the use of such video surveillance/electronic monitoring equipment:

1. Arrange for the installation of the recording device in a location on each bus or alternative vehicle that will allow for the camera to record all students.

2. Install equipment that will embed the date, time, and bus number of each video recording and maintain the recording in a secure location for the retention period required for the type and use of the recording.

3. Establish a procedure where video surveillance is viewed only by school officials with a legitimate educational interest or pursuant to a subpoena. Observation shall be made only by those who are authorized to view student records and in accordance with AG 8330 - Student Records.

Any disciplinary action resulting from the use of surveillance shall be determined by the appropriate District administrator. Due process shall be provided to the students involved in accordance with Ohio law, Board policy and administrative guidelines relating to discipline. Any use of photographs obtained through the use of video surveillance shall be in accordance with Federal and State law.

The Transportation Supervisor shall be responsible for reviewing the video recordings to verify that bus and alternative vehicle safety procedures and the buses and alternative vehicles are being operated in accordance with safety procedures, District guidelines, and State law and regulations.

D. **Eligibility of Nonpublic or Community School Students for Transportation**

In accordance with State law, the Transportation Supervisor shall determine the direct travel time to transport a resident student attending a chartered nonpublic school or attending an approved community school who requests transportation. Direct travel time shall be measured as the time that it takes a bus to travel from the school to which the student would have been assigned by the District for that student's attendance area to the student's nonpublic or community school of attendance during the normal route time(s). When directed by the Department of Education and Workforce, the District will conduct an additional timing to determine the official direct travel time. The District is not required to transport students to and from a nonpublic or community school when such transportation would require more than thirty (30) minutes of direct travel time.

The Board is not 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 the agreement is certified by the Department of Education and Workforce as having met certain requirements established by State law. Also, 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 Department of Education and Workforce, 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 Board is not required to provide transportation to students enrolled in a chartered nonpublic or community school that has offered to provide transportation in lieu of the District providing it.

The Board is not responsible for providing transportation to students who receive transportation from an educational service center participating in the Pupil Transportation Pilot Program.

E. **Providing Payment-in-Lieu of Transportation**

In accordance with State law, upon Board resolution, the Superintendent may determine that the transportation of a resident student, who is otherwise eligible for transportation under State law, Board policy, and these guidelines, is impractical. The determination of the Superintendent will be formalized through a resolution passed by the Board at its next scheduled meeting. In such instances, the Board may, in lieu of providing transportation, pay the parent an amount per student as determined by the Board which is within the range set annually by the Department of Education and Workforce.

The determination for payment-in-lieu will be made at least thirty (30) calendar days prior to the District’s or the nonpublic/community school'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. Parents/guardians of students who are eligible for payment-in-lieu of transportation shall be notified in writing by the Superintendent. The notice will detail the reason(s) why the determination was made based on factors considered in accordance with State law. The nonpublic/community school and the Department of Education and Workforce will receive copies of the notice as well. Parents who accept payment-in-lieu of transportation must return a signed notice of acceptance.

Parents who do not agree with the decision regarding the impracticality of transporting their child(ren) may reject the offer of payment-in-lieu of transportation. Parents may request mediation from the Department of Education and Workforce. The Board shall provide transportation until the matter is resolved.

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, including in mediation procedures.

F. **Use of Alternative Vehicles to Transport Nonpublic and Community School Students**

The District may use an alternative vehicle designed to carry nine (9) passengers or less, plus a driver, instead of a school bus to transport students to a chartered nonpublic or community school if all of the following apply:

1. the number of students in the vehicle does not exceed nine (9);

2. the District regularly transports students to that chartered nonpublic or community school; and

3. the driver has a valid driver's license, is accustomed to driving the vehicle, and meets statutory and administrative requirements for a bus or motor van driver (with the exception of having a commercial driver's license).

The driver and all passengers are expected to comply with State laws regarding child and occupant restraint devices and safety while in the motor vehicle. The driver will also be instructed that the driver shall not stop on the roadway to load or unload passengers.

The Transportation Supervisor shall ensure that the alternative vehicle drivers conduct a pre-trip inspection prior to each use for student transportation by the driver. A qualified mechanic shall inspect the vehicle not less than two (2) times each year and determine it is safe to transport students.

G. **Non-Routine Trips**

In compliance with Board policy, transportation services may be provided for field trips, co-curricular trips, and extra-curricular trips, including athletics.

Transportation may be provided on weekends and holidays to District students who are participating in approved School District programs, which are under the supervision of professional staff members.

The Superintendent may contract to provide transportation service for other organizations in accordance with State law.

H. **Homeless Students**

Students meeting the Federal definition of homeless will be transported from their temporary place of residence to their school of assignment or school of origin, at the request of the parent, guardian, or unaccompanied minor, to the same extent as all other students of the District and consistent with Board Policy 8600. 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.

I. **Transportation for Special Education Students**

The Board provides special transportation as a related service to students with disabilities in accordance with State and Federal law, as summarized in the student's IEP or Section 504 plan. The Transportation Supervisor shall be available for consultation with IEP/504 teams to collaborate about how student needs may be met. Transportation of eligible 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.

The District will provide transportation for eligible students who live in the District and attend a nonpublic school, if the School District is provided with supporting documentation that transportation is a related service as part of the child's individualized education program ("IEP") or an individual service plan ("ISP") developed by the County Board of Developmental Disabilities pursuant to R.C. 5126.41 for county residents who receive supported living services.

J. **Use of Buses by Authorized Entities**

The Board may enter into a written agreement with a public or private not-for-profit agency, group, or organization, municipal corporation, or other political subdivision to operate its buses to assist the entity in the fulfillment of its legitimate activities and during times of emergency. Transportation pursuant to such agreements shall not be considered commerce as defined under State and Federal law. All Department of Education regulations governing the operation of school buses when transporting students shall apply during such use, including the requirement that drivers hold certificates issued by either the educational service center governing board that has entered into an agreement with the District under R.C. 3313.843 or R.C. 3313.845 or the Superintendent of the School District certifying that the individual satisfies the requirements to drive a bus under R.C. 3327.10. The Board will procure liability and property damage insurance to cover all vehicles used and passengers transported under these agreements. The Board may recover expenses from the contracting entities, which will not exceed the cost of operating the vehicles and the cost of insurance.

Revised 3/27/24

© Neola 2025

ag8605

BUS SAFETY PROCEDURES

8605 - **BUS SAFETY PROCEDURES**

Proper transportation of students is a matter of continuing concern and it is imperative that all staff members associated with student transportation adhere to the following guidelines that are designed to maximize the safety of students.

A. Each bus driver must maintain effective communications with the Transportation Supervisor at all times and particularly when the driver encounters any situation that is out of the ordinary. To that end, each bus shall be equipped with an FM radio.

   Such device is to be kept in operating condition at all times.

B. Each bus driver or chaperone is to carry in the bus a copy of the completed emergency medical authorization for each student rider when transported on non-routine trips.

C. Cellular telephones, including hands-free and wireless devices, whether provided by the Board as equipment on the bus or personally owned by a bus driver, shall not be used by the bus driver while the bus is in motion or while the driver is supervising the loading or unloading of students, except in cases of extreme emergency.

D. At the completion of each bus run, the driver must conduct a complete walk-through of the bus to verify that no student remains on the vehicle.

E. The Transportation Supervisor shall maintain a record of each student rider for ready reference whenever a question arises about a student. Such a record shall include name, address, telephone number, name and location of contact person, the bus driver's name, and the number of the bus the student rides. This record shall also contain confidential information regarding physical and/or mental characteristics of the student that require special attention.

F. The Bus Driver shall select at least three (3) students in grades 4 and above on each bus for special training in bus evacuation procedures and in the operation of the bus communications equipment in case the driver becomes incapacitated.

G. In addition, the Transportation Supervisor shall:

   1. conduct routine and periodic surveys (at least annually) of the School District area and routes to determine the safety of current bus routes and bus stops;

2. verify that each bus driver's records of qualifications and certification are up-to-date and on file in the Superintendent's office, with a physician's certificate that the bus driver has passed an annual physical;

3. verify compliance with all Department of Education and Workforce and Department of Public Safety safety specifications for school buses, as well as statutory requirements for first-aid kits, infection control kits, fire extinguishers, warning triangles, and other safety features;

4. maintain and update a booklet containing traffic rules and regulations and distribute a copy to each driver;

5. verify that there is no smoking or drinking of alcoholic beverages on any school bus or in the refueling area.

Evacuation of Bus

The following procedures are to be followed when evacuating the school bus in an emergency.

A. Stop bus, if not already stopped, off the road and out of the mainstream of traffic, if possible.

B. Determine if students are safer either on the bus or off the bus.

C. Activate emergency flasher lights and immediately issue orders as to which exit is to be used.

D. Maintain calm and direct students to "walk - not run", not to take books, lunch boxes, etc., and to be careful when disembarking.

E. Send someone or call for help after making sure that all students are evacuated.

F. Form students into a group at least 100 feet from the bus and as far away from traffic as feasible.

G. Check the bus roster to verify all students are accounted for and are in good condition.

H. Emergency evacuation of disabled students may require modification of the above procedures.

Evacuation Drills

The Bus Driver shall organize and conduct three (3) emergency exit drills for all students who ride school buses to and from school.

A. Each of the following three (3) emergency procedures shall be conducted at least once annually:

1. everyone exits through the front entrance door;

2. everyone exits through the rear emergency door; and

3. front half exits through the front door and rear half exits through the rear door.

B. All drills shall be arranged and scheduled by the Transportation Supervisor in cooperation with building principals.

C. Drills shall be held on school property when possible and not on the bus route.

D. The driver shall stay in the bus during evacuation drills. The parking brake must be set, ignition turned off, and transmission in gear or park.

E. Children shall not take lunch boxes, books, etc., when they leave the bus.

F. Students shall assemble at a distance of at least 100 feet from the bus in an "emergency drill" and remain there until given further directions.

G. The driver shall file a written report that includes the date, time, and location of the drill to the Transportation Supervisor that a drill has been conducted.

Accidents

A. In the event of an accident involving the bus, the bus driver shall:

1. evaluate the need for medical assistance;

2. if necessary, evacuate the students to a safe area away from the scene of the accident;

3. notify the Niles Police Department;

4. notify the Transportation Supervisor/Superintendent.

B. The Transportation Supervisor shall collect the data concerning the accident, notify the parents, and if necessary, arrange for another bus to transport the students.

C. In the event of a serious accident, the procedures stipulated by the Niles Police Department shall be followed.

Railroad Grade Crossings

A. General

1. The procedures below shall be followed at any railroad grade crossing that is not marked EXEMPT.

2. The driver of any school bus, with or without passengers, shall operate the bus in a safe manner while approaching and stopping at a railroad crossing and verify that the necessary precautions are taken to see and hear any trains.

3. The driver shall cross the railroad tracks only after complying with the procedures set forth in paragraph D below.

4. After a train has passed the crossing, the bus driver shall not drive the bus onto any tracks until the driver is certain that no train, hidden by the first train, is approaching on an adjacent track.

5. Crossing when flashing or audible signals malfunction is **only** permitted when done in accordance with R.C. 4511.62. Specifically, a driver may cross only if signaled by a law enforcement officer or flagperson that it is permissible to cross.

6. The bus driver must never assume that automatic signals or other devices are completely reliable.

B. Weather conditions - during wet, stormy or foggy weather, before placing part of the bus on the tracks, the driver must know that the crossing can be made in safety.

C. Behavior of passengers at railroad crossings - when any school bus is stopped for any railroad track, all passengers must be silent until the crossing is completed. A signal for silence shall be given by the school bus driver approximately 300 feet from the crossing.

D. School bus railroad crossing procedures:

1. Traffic checks shall be made upon the approach to the railroad crossing so that the driver can observe traffic and reduce speed far enough in advance of the stop to avoid trapping other motorists

in panic stops or rear-end collisions with the bus. On multiple roadways, all stops must be made in the far right lane whenever possible and practical.

2. At approximately 300 feet from the railroad crossing, the driver must signal the passengers for silence, turn off radios and other noisy equipment (fans, etc.), turn off the warning lamp master switch if necessary, and actuate the strobe light, if available and if conditions warrant. Radios and other noisy equipment shall remain off until the bus has cleared the railroad crossing.

3. Actuate the hazard lights at least 100 feet from the railroad crossing, unless prohibited by local ordinance. No other signs or signals, except the strobe light, will be actuated from the bus while stopped or stopping at the railroad crossing.

4. For improved vision and hearing, open the driver's window (at the driver's left) just prior to stopping.

5. Stop the bus within fifty (50) feet and not less than fifteen (15) feet from the nearest rail. Set the parking brake.

6. Shift the gear lever into neutral. This applies to buses with either standard or automatic transmission.

7. Open the service door and look and listen not less than twice in both directions for an approaching train, engines, or train cars.

8. Shift into the proper gear when the crossing can be made safely and there is sufficient space on the other side of the railroad crossing.

9. Close the door, continue to look for trains, engines, or train cars in hazardous proximity of the bus, and listen for any audible signals.

10. Release the parking brake and proceed across the railroad crossing when safe to do so. Do not shift gears while crossing.

11. When the bus has safely cleared the last rail and is approximately fifty (50) feet from the crossing:

    a. turn off the hazard lights and strobe light;

    b. close window, if desired;

    c. turn on warning lamp master switch and heater fans, if needed;

    d. turn on radios.

E. Traffic checks shall be made to identify any hazards by motorists trying to pass the bus while completing the railroad crossing.

F. Stop exemptions granted by the Public Utilities Commission of Ohio:

1. While the driver of a bus or other school vehicle is required to stop at any and all railroad crossings, such requirement does not apply to an "exempt crossing" where the Public Utilities Commission of Ohio ("PUCO") has granted a stop exemption authorizing and approving school buses and other school vehicles to cross the tracks without making the required stop at the railroad crossing.

2. However, irrespective of whether a railroad crossing is designated as an exempt crossing, a driver of a bus or other school vehicle is required to stop at such railroad crossing when warning lights are activated and/or when trains are operated over the railroad crossing.

3. An exempt crossing is effective only when appropriate signs giving notice of the stop exemption are erected at the crossing.

Tornado

In the event of a tornado sighting or warning, the bus driver shall:

A. contact the Principal's office;

B. pull the bus off the roadway;

C. evacuate the bus;

D. bring the first aid kit;

E. take students to the nearest building, if possible;

F. if in the open, take the students to a ditch, ravine, or embankment which is at least 200 feet from the bus;

G. instruct students to lie down on their knees with their hands clasped behind their heads;

H. once the danger is past, assess students for any needed medical attention;

I. contact the Principal as soon as possible.

Bus Breakdown

In the event of a bus breakdown, the bus driver shall:

A. move the bus off the roadway, if possible;

B. notify the Transportation Supervisor, who shall arrange for another bus to transport the students;

C. evacuate the students to a safe area, if necessary;

D. stay close to the scene until assistance arrives;

E. assist in transferring students to the backup bus;

F. arrange, together with the Transportation Supervisor, to have the bus towed/repaired.

Inclement Weather

Whenever the weather forecast indicates inclement weather approaching, the Transportation Supervisor and Superintendent shall inspect the condition of the roads. If the forecast relates to the current school day, the Transportation Supervisor should notify the Superintendent in sufficient time so students can be transported home before road conditions would make such transportation hazardous. If the forecast relates to the next school day, the Transportation Supervisor is to make a recommendation to the Superintendent prior to 5:00 AM. The recommendation should be based on both personal observation of the roads and discussion with the local police department.

If transportation is canceled, bus drivers will be notified by means of the telephone chain, and parents by means of the radio and TV stations.

Dangerous and Illegal Weapons

The safety of students and staff is of paramount importance, and control of dangerous and/or illegal weapons is a particularly sensitive and critical responsibility. No weapon or other device that poses a danger to anyone in the vehicle shall be permitted. If a staff member discovers such a weapon or device, that staff member should take the following actions:

A. Call for help immediately.

B. Drivers should follow the instructions received by radio for the next steps.

C. Isolate the student, if possible, and if necessary, evacuate the bus.

D. Avoid attempts to disarm the student unless the situation appears to be life-threatening.

Quelling a Disturbance

If, during a bus trip, any students become unruly or two (2) or more students become involved in a fight or create a disturbance, the driver should:

A. Stop the bus in a safe location off the roadway and command the students to stop the disturbance and sit properly in their seats.

B. Notify the dispatcher that the bus is stopped for the purposes of managing a disturbance. Provide the location where the bus is stopped.

C. Not attempt to use physical force to quell the disturbance or dispossess students of any weapon or threatening object unless assured that such action is likely to be successful and not endanger the other students or the driver.

D. If the students do not obey, request further instructions and assistance by radio.

E. If the disturbance is or may be jeopardizing the safety and well-being of the other students, evacuate all uninvolved students from the bus using the standard evacuation procedure.

F. Not discharge an unruly student from the bus other than at the unruly student's regular bus stop, a law enforcement agency, or a District school, and only then, if an official at that location or the parent(s) takes custody of the student(s).

G. Make a full written report of the disturbance to the Transportation Supervisor upon completion of the trip.

Fueling

The following procedures are to be followed when fueling the school bus:

A. The bus shall not be fueled while the engine is running.

B. Smoking shall not be permitted on the school bus or while fueling.

C. Students shall not be on board while the bus is being fueled.

D. Cell phones shall not be used on or around the bus while fueling.

© Neola 2025

TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS

8606 - **TRANSPORTATION FOR SPECIAL EDUCATION STUDENTS**

Transportation and bus behavior are normally an integral part of the student's program. Because of the significance of this service for maintaining effective programs for the variety of disabling conditions, the Transportation Supervisor should be involved with the I.E.P. team or Section 504 team to assist in providing answers to such questions as:

A. Can the child be transported safely, given the transportation environment and the nature of the disabling condition?

B. What medical, health, physical, or behavioral factors could expose the student to unreasonable risk, given the anticipated transportation environment?

C. What assistive or adaptive equipment is necessary to accommodate the student during the transportation process, can it be safely transported and secured, and are there adequate instructions to ensure its proper use?

The Transportation Supervisor can also be helpful in incorporating behavioral transportation goals into the IEP/504 plan and determining appropriate means of discipline, including the possible removal from a vehicle.

As participants in and recipients of special education planning, transportation staff need to be advised that the information they deal with is confidential and protected by Federal law.

TRANSPORTATION FOR NONPUBLIC SCHOOLS

The District will provide transportation as a related service to students with disabilities who live in the District and attend a nonpublic school if the School District is provided with supporting documentation from the child's individualized education program ("IEP") or an individual service plan ("ISP") developed by the county board of developmental disabilities pursuant to RC 5126.41 for county residents who receive supported living services.

BEHAVIORAL MANAGEMENT

Managing student behavior on the bus should be done primarily through teaching appropriate bus-riding skills. Learning the skills necessary to ride the school bus is part of the skills needed for the student to participate in the student's program.

To teach bus-riding skills, a limited number of simple rules defining what the student is to do, feedback on how well it is done, and positive, backup consequences are necessary. In teaching bus-riding skills, it is necessary to work on a small number of behaviors at a time (one (1) or two (2)). As a student learns a behavior, another behavior can be taught.

Behaviors that present a potentially dangerous risk of harm to the student or others on the bus require special attention. An attack on another person or running from the bus are two (2) examples of behaviors that present high risk of harm and require documentation and follow-up with appropriate school staff.

Communication Between School/Transportation Staffs

A. The transportation staff will keep the school staff advised of the behavior of students on the bus--both positive and negative type activity.

B. The school staff will advise the transportation staff by memorandum or through the school secretary if a student has had a particularly difficult day and may require special attention on the bus.

C. The primary daily contact between the transportation staff and the school staff will be the bus driver (with the transportation aide as an alternate) and the Transportation Supervisor/Principal.

D. Both the school staff and the transportation staff are expected to maintain confidentiality and protect the students' rights. Except for positive statements, information given by the drivers to the building staff should not be relayed to the student; nor should drivers relay information received from the building staff. Bus behavior should never be a subject of general conversation.

E. Communication with parents is encouraged, particularly positive comments that are honest and sincere. It is important to develop means to maximize this effort.

Stopping Unacceptable Behavior

It is the District's intent to stop unacceptable behavior by using the minimum physical intervention necessary.

When necessary, a staff member may use reasonable physical intervention to stop an action that presents the risk of harm to the student, to others, or to property. This may include use of physical intervention to stop the action but would not extend to gross abuse and disregard for the health and safety of the student. Use of physical intervention should at all times be temperate and not excessive.

Alternate Transportation

In the event a student has demonstrated severe behavior problems at school and cannot be adequately brought under control for the ride home, the student is not to be placed on the bus. The student is to remain at school and the parents called to transport the student home. If the parent cannot provide transportation, alternate means are to be provided. (It is important to keep in mind that alterations in transportation may be considered a change in placement.)

Suspension from Transportation

A. The Principal may suspend a student from transportation, in accordance with District policies and guidelines related to suspension of disabled students. Incidents that may result in suspension include:

    1. fighting on the bus;

    2. hitting, kicking, or biting others on the bus;

    3. smoking, drugs, alcohol;

    4. destruction of school property;

    5. throwing dangerous objects on the bus.

B. When a student's behavior is unmanageable in spite of behavior management techniques, the suspension procedure may be initiated. This procedure may be initiated as a natural consequence of inappropriate behavior: to protect the student, other students, the driver or District equipment, or to provide time to help the student make the adjustment to transportation services.

Restoration of Riding Privileges

If a student is suspended from transportation, a meeting will be held prior to the student's resuming transportation. The meeting should include the building principal, social worker, Transportation Supervisor and Supervisor of Exceptional Children, bus driver, aide, and the parent. The meeting should address:

A. the behavior that caused the suspension;

B. development of a written plan to address the behavior.

This will require a well-defined follow-up schedule, beginning within ten (10) days, to determine if the plan is working.

MEDICAL/HEALTH CONCERNS

It may be necessary for members of the transportation staff to be able to provide emergency and routine health care to students during the transportation process. They may also become exposed to communicable diseases which could be debilitating, and in extreme circumstances, fatal.

It is the responsibility of the Transportation Supervisor to ensure that training is provided in two (2) major areas -- precautionary procedures; and care, intervention, and management.

Precautionary Procedures

All members of the transportation staff should be able to use standard precautions relative to handling of and exposure to communicable disease. Such precautions would include, but not be limited to:

A. characteristics of common communicable diseases

B. techniques for managing such common diseases

C. use of protective equipment and devices

Care, Intervention, and Management

Staff members need to be able to implement any care plans developed during the IEP process to deal with special health risks, such as medically fragile, technology-dependent, and/or highly-disruptive students.

© Neola 2023

ag8610

TRANSPORTATION ROUTE PLANNING CRITERIA

8610 - **TRANSPORTATION ROUTE PLANNING CRITERIA**

Routing

The routing of buses in the most efficient manner is a major factor in the conservation of fuel. In the establishment of routes, bus stops are to be placed primarily at intersections. In cases where a street is exceptionally long, a bus stop may be placed at the center of the block or at certain intervals.

Every effort shall be made to route in a way which allows kindergarten students to be picked up near their home. Students living on hazardous roads or main highways shall also receive special transportation consideration.

General Criteria

Plans which take into account the following factors should create an effective routing system:

A. Minimize the number of road hazards; e.g., steep hills, dangerous approaches to intersections, railroad crossings, narrow bridges, sharp curves, crowns of hills, and obstructions to visibility.

B. Ensure that necessary "turnarounds" are safe and suitable in all weather conditions.

C. Load and discharge students at points from which they need not cross main thoroughfares, crowns of hills, and obstructions to visibility in order to reach their homes.

D. Plan routes so that most children do not have to ride in excess of one (1) hour on the way to or from school. (One (1) hour is generally accepted as an upper limit on riding time for a one-way trip.)

E. Consider the number of stops to be made on each route; e.g., a short route with many stops may take as much time as a long route with few stops.

F. Minimize stops on hills of appreciable grade. When necessary, the stop should be made as the bus is traveling down hill. Such stops should be made at a pull-off area or an area posted with a School Bus Safety sign.

G. Avoid duplication and unnecessary mileage.

H. Minimize the number of buses in use at any one (1) time, thereby decreasing the number of contract buses required.

I. Reserve choice routes for District-owned vehicles, thereby reducing mileage and wear and tear on District-owned vehicles.

J. Apply the policy governing minimum and maximum distances over which children will be transported equitably and consistently.

K. Maintain a degree of flexibility for unforeseen circumstances.

ag8615

ANTI-IDLING AND SMART DRIVING PROCEDURES

8615 - **ANTI-IDLING AND SMART DRIVING PROCEDURES**

In accordance with the Environmental Protection Agency's (EPA) initiative to reduce air pollution from diesel school buses, all bus drivers shall adhere to the following procedures:

A. Limit idling time during early morning and/or afternoon warm-up to no more than the maximum time recommended by the manufacturer.

B. Turn off buses upon arrival at the unloading/loading area at any school and do not start them until it is time to depart from the unloading/loading area.

C. Adhere to the preceding procedures not only at the school when transporting students on field trips, but also at the site of the field trip.

D. During inclement periods, wait in the designated, heated area inside the school until it is time to load instead of on the bus if you arrive early for a scheduled run.

E. Inform your supervisor if and when it is necessary to have your bus' engine idling in order to operate the flashing lights.

In accordance with the Environmental Protection Agency's initiative to reduce air pollution from diesel school buses, the Transportation Supervisor shall adhere to the following procedures:

A. Remind drivers regularly that following other diesel vehicles too closely, either on regular runs or field trips, can contribute to higher concentrations of diesel exhaust inside and outside the bus.

B. Include the most stringent emission control standards recommended by the EPA when developing specifications for new buses.

C. Include an allocation within the annual transportation budget to retrofit buses within the current fleet with new technologies in pollution control.

D. Change circuit configurations so that the flashing lights are powered by the battery and do not require the engine to be running to be operational.

© Neola 2004

ag8620

BUS DRIVER PROCEDURES

8620 - **BUS DRIVER PROCEDURES**

A. **Specific Responsibilities**

1. Conduct pretrip inspection of school bus prior to every trip.

2. Use established routes and designated bus stops.

3. Operate bus on approved time schedule.

4. Report bus accidents and student injuries to authorities.

5. Conduct emergency evacuation drills in keeping with school policies.

6. Instruct riders regarding being responsible passengers.

7. Drive defensively under varying traffic conditions and inclement weather.

8. Drive with safety of riders as first priority.

9. Report personal absences in time for supervisor to secure substitute driver.

10. Report on and off the job at the proper time.

11. Maintain personal fitness--emotional stability and physical capacity.

12. Perform bus housekeeping duties.

13. Never leave the bus when students are present.

14. Never leave the keys on the bus.

15. Fill fuel tank as required.

16. Report bus defects to supervisor.

17. Establish favorable working relationships with other drivers, maintenance personnel, teachers, students, principals, and total school staff.

18. Exhibit positive image as a loyal representative of the School District.

19. Participate in taking extra trips according to the established procedure.

20. Observe all procedures contained in State guidelines and the bus driver's manual.

B. **Specific Performance Abilities**

1. Operate all vehicle types used in transporting students in the School District.

2. Know the transportation policy as it pertains to the riding area of the School District.

3. Demonstrate knowledge of administrative guidelines as made by local, State, and Federal authorities.

4. Deal with behavioral characteristics of riders.

5. Administer disciplinary procedures in keeping with school policies.

6. Be alert and exercise good judgement concerning emergencies, disabled vehicles, and irregular special requests by parents of riders.

7. Know location of and be able to use and/or operate the emergency and first-aid equipment.

C. **Specific Legal Requirements To Be Met**

1. Meet school bus driver certification requirements.

2. Meet State requirements for appropriate licensing.

3. Meet State physical examination requirements.

ag8650

TRANSPORTATION BY ALTERNATIVE VEHICLES

8650 - **TRANSPORTATION BY ALTERNATIVE VEHICLES**

The following guidelines are established to implement Board of Education policy on the transportation of students by alternative vehicles (hereinafter, "school vehicles"). In addition to complying with the general transportation policies and guidelines, including the bus safety procedures and bus driver procedures, individuals are required to adhere to the following procedures:

A. **Driver Qualifications**

Drivers of school vehicles shall:

1. be twenty-one (21) years of age with a minimum of two (2) years of driving experience;

2. maintain a semi-annual driving record check with:

   a. no more than six (6) points within the last twenty-four (24) months;

   b. no convictions for driving while under the influence of alcohol and/or a controlled substance during the last ten (10) years (i.e., a violation of R.C. 4511.19);

   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 last twelve (12) months as evidenced by a conviction, video, or a report by a railroad official;

e. not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier;

as verified by a driving record obtained through the Ohio Department of Education and Workforce (see also, Board Policy 8600.04 for bus driver certification requirements). A driver having any of the above-referenced violations will be disqualified from operating a school vehicle. The records obtained from the semi-annual records check will be maintained for a minimum of ten (10) years.

3. hold a valid driver's license;

4. provide proof of financial responsibility or that the driver is insured by the Board to operate a school vehicle and/or school bus;

5. receive a satisfactory BCII report every six (6) years;

A satisfactory BCII report shall be required prior to the hiring of an individual as a new vehicle driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees (see Policy 4121 for criminal history record check requirements)). All drivers shall be

enrolled in the retained applicant fingerprint database. Satisfactory shall be defined by the standards in Ohio Administrative Code 3301-83-23.

6. be physically qualified to drive a school vehicle (in the same manner as school bus drivers as determined by A.C. 3301-83-07), including:

    a. operating a school vehicle in normal and adverse driving conditions;

    b. operating a school vehicle for prolonged periods of time;

    c. engaging in repetitive physical activities;

    d. conducting extensive pre-trip inspections of the school vehicle;

    e. assisting with the loading and unloading of passengers;

    f. lifting and managing special needs and preschool children;

    g. managing and securing wheelchairs and other adaptive equipment;

    h. evacuating passengers in emergency situations;

Drivers of school vehicles, who are employed by entities other than the District and not subject to DEW 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 performed in accordance with R.C. 3327.10(B). Any driver not employed by the School District who drives a bus or vehicle owned by the District must give satisfactory and sufficient bond.

7. complete the following preservice training requirements:

    a. a four (4) hour minimum Ohio preservice driver curriculum (or other course approved by the Ohio Department of Education and Workforce);

    b. a driving performance evaluation and review by a certified on-the-bus instructor or by a designee of the Superintendent;

    c. provide evidence of training to the regional preservice instructor; and

    d. possess a certificate of acknowledgment of vehicle driver training; or

e. possess a current school bus driver certificate (which shall be considered as fulfilling the above requirements);

8. complete two (2) hours of annual in-service training as required by the District. Failure to complete the required annual in-service training may result in the revocation of the school vehicle driver's certificate.

B. **Vehicle Requirements**

Each school vehicle shall meet the following requirements:

1. The school vehicle shall be equipped with safety equipment as follows: fire extinguisher; first-aid kit; body fluid cleanup kit; fuses and spare fuses; and emergency reflectors.

2. The school vehicle shall have a rooftop sign marked "School Transportation."

3. The name of the District shall be clearly marked on the side of the school vehicle.

4. Each school vehicle shall be inspected by a District mechanic at least twice a year. The inspection shall cover at the minimum all applicable requirements for the inspection of school buses, and periodic maintenance intervals must be established and implemented. Documentation and proof of such inspections and service procedures, in addition to all other required school vehicle records, shall be kept on file with the District's transportation department.

5. School vehicle drivers shall complete and document a daily pre-trip inspection prior to operating the school vehicle.

6. Loading school vehicles shall be in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.

C. **Vehicle Driver Procedures**

1. Specific Responsibilities:

a. conduct pre-trip inspection of school vehicle prior to every trip;

b. prepare a trip ticket/travel certificate prior to transporting students that includes the following information:

1. school vehicle number;

2. date and time of trip (i.e., departure and return times);

3. destination;

4. purpose/group being transported;

5. number of students on trip;

6. name of advisor/teacher/chaperone of trip;

7. name of driver;

8. directions/proposed route;

9. total miles;

10. meal stops planned, if applicable;

11. emergency contact/phone number;

12. signature of Superintendent;

13. use established routes and designated stops;

14. operate vehicle on approved time schedule;

15. report vehicle accidents and student injuries to authorities;

16. conduct emergency evacuation drills in keeping with school policies;

17. instruct riders regarding being responsible passengers;

18. drive defensively under varying traffic conditions and inclement weather;

19. drive with safety of riders as first priority;

20. report personal absences in time for supervisor to secure substitute driver;

21. report on and off the job at the proper time;

22. maintain personal fitness - emotional stability and physical capacity;

23. perform vehicle housekeeping duties;

24. never leave the vehicle when students are present;

25. never leave the keys in the vehicle;

26. fill fuel tank as required;

27. report vehicle defects to supervisor;

28. establish favorable working relationships with other drivers, maintenance personnel, teachers, students, principals, and total school staff;

29. exhibit positive image as loyal representative of the School District;

30. participate in taking extra trips according to the established procedure;

31. observe all procedures contained in State guidelines and the bus/vehicle driver's manual.

2. Specific Performance Abilities:

a. operate all vehicle types used in transporting students in the School District;

b. know the transportation policy as it pertains to the riding area of the School District;

c. demonstrate knowledge of administrative guidelines as made by local, State, and Federal authorities;

d. deal with behavioral characteristics of riders;

e. administer disciplinary procedures in keeping with school policies;

f. be alert and exercise good judgment concerning emergencies, disabled vehicles, and irregular special requests by parents of riders;

g. know location of and be able to use and/or operate the emergency and first-aid equipment.

© Neola 2026

ag8651

NONROUTINE USE OF SCHOOL BUSES

8651 - **NONROUTINE USE OF SCHOOL BUSES**

The District's school buses may be used for purposes other than school purposes provided such trips do not interfere with routine school transportation services or other school uses and are in accordance with law and rules of the State. To be approved, a trip must have an educational purpose and be sponsored by a group that provides

A. educational,

B. cultural,

C. recreational,

D. vocational,

activities to students or residents of the District.

The costs of nonroutine transportation shall be reimbursed to the Board at a flat rate.

Buses must be operated by the holder of a valid Ohio school bus driver's license who has been approved by the Superintendent.

Buses are to be driven by District drivers selected 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.

A request for nonroutine transportation must be made no less than two (2) weeks prior to the planned trip and must be approved by the Transportation Supervisor/Principal.

One (1) or more adult chaperones, as approved by the Transportation Supervisor, shall accompany each school bus required for any nonroutine trip involving school age passengers. The chaperone's responsibility shall be to assist

the school bus driver in maintaining passenger control and in enforcing procedures for the safety of all passengers. A certified person licensed as a school bus driver may serve as a chaperone and driver concurrently.

ag8660

INCIDENTAL TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE

8660 - **INCIDENTAL TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE**

These guidelines are to be followed whenever a staff member will be transporting students incidentally by a private vehicle whether it be the staff member's personal vehicle or some other person's vehicle. This guideline does not apply if the vehicle is chartered from a licensed operator. In such cases, the Transportation Department shall be responsible for arranging for the chartered vehicle.

This guideline also does not apply to parents' private arrangements for the transport of their own children.

A. The District will require the driver to affirm and certify that the intended private vehicle is in proper working condition, seat belts are available for each passenger, and the vehicle is insured for liability in an amount not less than the monetary limits set forth in R.C. 4509.51:

B. Obtain written consent from each student's parent using Form 8660 F2 - Parental Consent for Transportation by Private Vehicle. No student shall be allowed to ride in the vehicle without the student's parent's written consent.

C. If the trip is out-of-town and the transportation is approved, obtain a copy of each student's Emergency Medical Authorization Form 5341 F1, which is to be kept in the vehicle during the entire trip.

D. Provide the school office with a list of names of the students who will be riding in the vehicle.

E. Upon return of the vehicle to the school, make sure each student has proper transportation home and remain at the school until all students have left school property.

© Neola 2024

ag8670

TRANSPORTATION COST ANALYSIS

8670 - **TRANSPORTATION COST ANALYSIS**

This guideline is designed to provide a more complete picture of the costs for student transportation. By developing a fuller cost analysis of this service, the District will be better able to determine how economical and effective the service is and what alterations might be explored to reduce costs and/or improve operations. Better cost analysis should also improve budget management, forestall miscalculations, and prevent year-end adjustments.

The Transportation Supervisor should work with the Treasurer and fleet maintenance staff to identify and record maintenance and operating costs for each element in the District's student transportation operation, including costs for each individual vehicle. Accurate cost recording should be verified periodically throughout the school year. These costs should be the basis for the District's T2 report filed with the Ohio Department of Education and Workforce ("DEW") annually.

A District cost analysis should be based upon the T1 and T2 reports submitted to the State. A cost analysis report based upon this data can be obtained from DEW's financial reports posted on their website or other sources that use the same data.

The District cost analysis should be compared to State averages and optimally to other similar districts to determine if operations can be improved to increase cost efficiency.

In addition to indirect costs related to both transportation and capital assets, the analysis provides for the determination of "opportunity" costs, that is, what the District loses in value because certain funds or assets are not available for other purposes.

This cost analysis is the responsibility of the Treasurer working with the Transportation Supervisor.

© Neola 2025

ag8710

INSURANCE

8710 - **INSURANCE**

Insurance shall be placed with companies licensed by the State of Ohio. Insurance is to be placed through a qualified agent who shall be the agent of record on all policies, except that policies relating to annuities, group life, and accident and health may be placed through qualified agent(s), a direct-writing carrier, or a third-party administrator.

Each agent of record shall provide the following services, as appropriate to the type of insurance represented:

A. advice with respect to all insurance matters to the end that the District has adequate but not excessive insurance coverage at the lowest possible cost

B. safety and fire inspections

C. review of plans and specifications of all new buildings with the controlling Qualified Fire Insurance Rating Engineer in order to minimize penalty charges

D. prompt processing of claims

E. instructions on fire safety and prevention to the custodial staff

Qualifications of Agent(s)

A. Agent(s) shall be defined as an individual or organization whose MAJOR source of income arises from commissions received from the solicitation of insurance.

B. In the case of an individual, s/he must have been engaged in the solicitation of insurance for a period not less than one (1) year prior to his/her designation as agent(s) of record by the Board.

C. The agent(s) shall be duly licensed by the State.

In all cases where a person has an accident claim against the District, s/he is to be referred to the Superintendent who will, in turn, take appropriate action with the insurance company.

No principal or other employee is to offer aid or advice on how to proceed with such claims. The Office of the Superintendent will instruct people on the submission of bills and on means of pressing the claim.

ag8800A

RELIGIOUS ACTIVITIES/CEREMONIES

8800A - **RELIGIOUS ACTIVITIES/CEREMONIES**

A great deal of professional judgment is needed to ensure that District policy complies with constitutional and legal safeguards for the practice of religion. A major guideline to follow is a four-part test. Each activity which may appear to be of a religious nature or use materials, rituals, or symbols which may be otherwise associated with a religion must meet all four (4) of the following conditions:

A. Does it serve the educational purpose and goals of the District?

B. Is the purpose of the activity secular?

C. Will its effect neither advance nor inhibit a religion?

D. Will it avoid excessive entanglements between the school and a religion?

This guideline applies to any and all activities and programs at all levels, particularly those that take place at traditional holiday seasons such as Christmas and Easter.

Prior to planning or conducting an activity, it would be well to review the District's two (2) policies dealing with religious matters -- Policy 2270 and Policy 8800. If a teacher has any question about the propriety of the activity, s/he should consult with the principal prior to making a decision.

ag8800B

RELIGIOUS EXPRESSION IN THE DISTRICT

8800B - **RELIGIOUS EXPRESSION IN THE DISTRICT**

The following guidelines apply to religious practices in the District and are drawn directly from the "Statement of Principles" issued by the U.S. Department of Education.

Student Prayer and Religious Instruction

The Establishment Clause of the First Amendment does not prohibit purely private religious speech by students. Students have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. For example, students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable nondisruptive activities. Local school authorities possess substantial discretion to impose rules of order and other pedagogical restrictions on student activities, but they may not structure or administer such rules to discriminate against religious activity or speech.

Generally, students may pray in a nondisruptive manner when not engaged in school activities or instructions and subject to the rules that normally pertain in the applicable setting. Specifically, students in informal settings, such as cafeterias or hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student group or a group of students.

Students may also participate in before or after school events with religious content, such as "see you at the flagpole" gatherings, on the same terms as they may participate in other noncurriculum activities on school premises. School officials may neither discourage nor encourage participation in such an event.

The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity.

Graduation Prayer and Baccalaureates: Under current Supreme Court decisions, school officials may not mandate or organize prayer at graduation nor organize religious baccalaureate ceremonies. If a school generally opens its facilities to private groups, it must make its facilities available on the same terms to organizers of privately sponsored religious baccalaureate services. A school may not extend preferential treatment to baccalaureate ceremonies and may in some instances be obliged to disclaim official endorsement of such ceremonies.

Official Neutrality Regarding Religious Activity: Teachers and school administrators, when acting in those capacities, are representatives of the State and are prohibited by the establishment clause from soliciting or encouraging religious activity and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content and from soliciting or encouraging anti-religious activity.

Teaching about Religion: Public schools may not provide religious instruction, but they may teach about religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture) as literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects.

Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. Although public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays, schools may not observe holidays as religious events or promote such observance by students.

Student Assignments: Students may express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free of discrimination based on the religious content of their submissions. Such home and classroom work should be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns identified by the school.

Religious Literature: Students have a right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities. Schools may impose the same reasonable time, place, and manner or other constitutional restrictions on distribution of religious literature as they do on nonschool literature generally, but they may not single out religious literature for special regulation.

Religious Excusals: Subject to applicable State laws, schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the student's parents on religious or other conscientious grounds. School officials may neither encourage nor discourage students from availing themselves of an excusal option. Under the Religious Freedom Restoration Act, if it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance, the school would be legally required to excuse the student.

Released Time: Subject to applicable State laws, schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on school premises during the school day.

Teaching Values: Although schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that

some of these values are held also by religions does not make it unlawful to teach them in school.

Student Garb: Students may display religious messages on items of clothing to the same extent they are permitted to display other comparable messages. Religious messages may not be singled out for suppression, but rather are subject to the same rules as generally apply to comparable messages. When wearing particular attire, such as yarmulkes and head scarves, during the school day as part of students' religious practice, under the Religious Freedom Restoration Act, schools generally may not prohibit the wearing of such items.

ag8800C

THE FLAG AND PATRIOTIC CEREMONIES

8800C - **THE FLAG AND PATRIOTIC CEREMONIES**

The following guidelines are to be followed when dealing with the flag or patriotic ceremonies:

A. The United States flag shall be displayed over, near or in schoolhouses when school is in session.

B. Oral recitation of the Pledge of Allegiance shall be conducted at the time and manner established by the building principal.D. No teacher shall be prohibited from providing in his/her classroom reasonable periods of time for activities of a moral, philosophical, or patriotic theme or from having students recite the Pledge of Allegiance to the United States flag.

C. No student shall be required to participate in activities of a moral, philosophical, or patriotic theme if they are contrary to the religious convictions of the student or the student's parent(s) or guardian(s).

D. No student shall be required to participate in the recitation of the Pledge of Allegiance.

E. No student shall be intimidated or coerced into participating in the recitation of the Pledge of Allegiance by a staff member or other student.

F. Wording of the Pledge of Allegiance to the United States flag shall be as set forth in the United States Code (4 U.S.C. Sec. 4):

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

(NOTE: and shall not be altered.)

On or about Veteran's Day, time shall be devoted to an observance that conveys the meaning and significance of that day in each building in the District. The time devoted 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 activities conducted during that time shall be appropriate to the age of the children in the school and shall be submitted to the Superintendent in advance for approval by the Board.

ag8800D

CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG

8800D - **CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG**

The following rules and customs will be observed concerning the care, custody, and display of the flag of the United States of America:

A. The flag should be displayed in or near every school building in the District during each day school is in session.

B. The flag should be displayed every day in or near the School District's administration or central office.

C. The flag should be displayed only from sunrise to sunset when it is displayed on a building or on a stationary flagstaff in the open. The flag may be displayed twenty-four (24) hours a day if properly illuminated during the hours of darkness.

D. The flag should **not** be displayed on days when the weather is inclement, except when an all weather flag is displayed.

E. When the flag is carried in a procession with other flags, it should be on the flag's own right. If it is a line of flags, it should be in front of the center of the line.

F. The flag should **not** be draped over the hood, top, sides, or back of a vehicle.

G. When the flag is displayed with another flag against the wall from crossed staffs, it should be on the flag's own right and its staff should be in front of the staff of the other flag.

H. When the flag is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff.

I. When the flag is displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right.

J. When the flag is used on a speaker's platform, it should be displayed flat on the wall and above and behind the speaker.

K. When the flag is displayed from a staff in the auditorium, the staff should be displayed in the position of honor at the speaker's right as s/he faces the audience. Any other flag should be displayed to the left of the

speaker.

L. The flag shall be flown at half-staff as follows:

From the day of death and ---

1. for thirty (30) days for the President or a former President

2. for ten (10) days for the Vice President, the Chief Justice or a retired Chief Justice of the United States, and the Speaker of the House of Representatives

3. until interment for an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, and the Governor of a State

4. on the day of death and the following day for a member of Congress

5. by order of the President

6. by order of the Governor of Ohio

On Memorial Day until noon, and then it is to be raised to the top of the staff.

When a flag is flown at half-staff, it is first to be raised to the top of the staff, then lowered to a position at one-half the distance between the top and bottom of the staff.

M. The flag should **not** be dipped to any person or thing.

N. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

O. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

P. The flag should always be carried aloft and free.

Q. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

R. The flag should never be used as a covering for a ceiling.

S. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

T. The flag, when it is in such a condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

U. The flag should be folded as follows when being stored:

1. Straighten out the flag to full length and fold lengthwise once.

2. Fold it lengthwise a second time to meet the open edge, making sure that the union of stars on the blue field remains outward in full view.

3. A triangular fold is then started by bringing the striped corner of the folded edge to the open edge.

4. The outer point is then turned inward parallel with the open edge to form a second triangle.

5. This diagonal or triangular folding is continued toward the blue union until the end is reached with only the blue showing and the form being that of a cocked hat.

© Neola 2001

ag8800E

DISPLAY OF THE UNITED STATES AND OHIO MOTTOES

8800E - **DISPLAY OF THE UNITED STATES AND OHIO MOTTOES**

If a copy of the official motto of the United States of America "In God We Trust" or the official motto of Ohio "With God, All Things Are Possible" is donated to the District, or if money is donated to the District specifically for the purpose of purchasing such material, the Board shall accept the donation and display the motto in an appropriate manner in a classroom, auditorium, or cafeteria of a school building in the District, provided all of the following conditions are satisfied:

A. The motto is printed on durable, poster-quality paper or displayed in a frame.

B. The dimensions of the paper or frame are at least eight (8) and one-half (1/2) inches by eleven (11) inches.

C. The copy contains no words other than the motto and language identifying the motto as the motto of the United States of America or Ohio.

D. The copy contains no images other than appropriate representations of the flag of the United States of America or Ohio.

ag9120A

PUBLIC RELATIONS OBJECTIVES

9120A - **PUBLIC RELATIONS OBJECTIVES**

The purpose of the school-community relations program is to establish and maintain in the public mind both respect for the school system and confidence that it is providing the best possible education for the District's students in terms of intellectual, emotional, moral, social, and physical development.

To this end, parents and other District residents are to be kept informed regarding Federal/State regulations and District policies and guidelines.

The Superintendent and Principals shall be responsible for the District's public relations program which shall be designed to accomplish the following objectives to:

A. explain in an understandable, noncondescending manner, the programs, achievements, and needs of the schools to

1. parents,

2. local officials,

3. community leaders,

4. local business and industry,

5. community organizations,

6. special interest groups,

7. the community as a whole,

8. State and Federal agencies;

B. obtain reliable, useful information regarding:

1. what residents expect from their schools;

2. what residents think their schools are accomplishing;

3. what residents would like to know about their schools;

4. what residents would like their schools to be doing differently;

C. anticipate potential problems caused by misunderstanding or lack of information and take measures to eliminate them before they happen;

D. operate meetings in accordance with law and as speedily and efficiently as circumstances permit.

ag9120B

PHOTOGRAPHS/PICTURES

9120B - **PHOTOGRAPHS/PICTURES**

The District has a need for photographs for use in personnel records, student records, school newsletters, general public information, and the like.

A. **Whenever possible, a recent photograph** should be obtained from each staff member, and from each new staff member upon employment.

B. Commercial use of personal photographs shall be prohibited without specific approval of the parent and/or staff member. (See Form 7540 F4)

C. Group photographs of a general nature may be used for public relations and media press releases; however, individual photographs of staff members or students require a written approval from the staff member or from the student's parent(s) prior to use. (See Form 7540 F4)

ag9120C

NEWS MEDIA RELATIONS

9120C - **NEWS MEDIA RELATIONS**

The Superintendent will function as the District's communication representative with the news media and the principal will serve that function at the school level. In order to maintain a progressive and coordinated program of public relations for the District, it is essential that:

A. staff members not give school information or an interview requested by representatives of the news media without prior approval of the principal who will either set up an appointment for this purpose which will not interfere with the staff member's daily activities, or speak to the media representative about the matter personally;

B. anyone given permission to photograph a nonpublic school event or activity must submit the photographs to the principal for approval prior to their use in order to avoid possible invasion of privacy problems;

C. in cases where there is doubt with regard to taste or privacy, but where it is felt that the publishing of the photograph serves a purpose which is in the best interests of the District, the principal will not authorize the use of the photograph without first obtaining a release from the individual(s) concerned or their parent or guardian;

D. students are not permitted to provide information about school activities or an interview to representatives of the news media without prior approval of the principal who is to be present at all such meetings with news media representatives.

The District and each school's communications representative shall:

A. be readily available to media representatives;

B. provide media representatives upon their request with all facts that give a true picture to the best of his/her knowledge requesting, at the same time, that they not publish or broadcast any facts which are injurious to District personnel or students, or which would serve no constructive purpose;

C. keep media representatives fully informed with regard to the school system in all aspects, activities, and changes, so that any reporting will be done on the basis of a complete and valid overview;

D. submit, suggest or request feature stories or articles to media representatives which are of interest or importance;

E. provide an agenda and other "background" material to media representatives who attend meetings of the Board;

F. meet periodically with representatives of the news media to:

1. discuss District progress and problems;

2. review general media impressions of the School District;

G. assist various school-related groups in their relations with the news media;

H. protect school personnel from any unnecessary demands on their time by news media representatives.

ag9130A

PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS

9130A - **PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS**

The following procedures should be used when a member of the public makes a request to inspect instructional materials.

Form 9130 F3 should be completed and submitted to the Princnpal. Upon receipt of Form 9130 F3, the Principal/designee will contact the person making the request within the ten (10) days to schedule an appointment for the person to come to the District to review and inspect the material indicated on Form 9130 F3. If, upon inspection and review, the person would like to file a complaint about the instructional materials, the person shall follow the complaint procedures outlined in Policy 9130 and AG 9130.

© Neola 2012

ag9130

COMPLAINT REVIEW COMMITTEE PROCEDURES

9130 - **COMPLAINT REVIEW COMMITTEE PROCEDURES**

The following procedures should be used by committees formed to review complaints concerning instructional materials.

Roberts' Rules of Order shall be followed for conducting meetings. A chairperson and a secretary will be selected by the Principal prior to the initial meeting.

A. **First Meeting:**

1. Copies of the petitioner's complaint are distributed.

2. Copies of the material being challenged are distributed.

3. Relevant materials concerning the issue are made available.

4. The petitioner may make an oral presentation of not more than fifteen (15) minutes.

5. District staff may make an oral presentation of not more than fifteen (15) minutes.

6. The chairperson directs each committee member to review the complaint carefully and be prepared to vote on the issue at the second meeting.

B. **Second Meeting:**

1. Committee discussion, led by the chairperson.

2. Petitioner may be present to observe, but may not participate in the deliberations.

3. Vote of a simple majority of those present entitled to vote will determine the resolution of the complaint.

4. Only members who have read or viewed the material in its entirety may vote.

5. Balloting will be written and confidential.

The vote will then be forwarded to the Superintendent for his/her review and decision.

Minutes of each meeting will be kept by the secretary and distributed to the petitioner, the committee, and the Superintendent.

The petitioner may appeal the decision of the committee to the Board, who will have access to all materials made available to the committee as well as to the minutes of each meeting.

© Neola 2012

ag9141

BUSINESS ADVISORY COUNCIL

9141 - **BUSINESS ADVISORY**

Businesses are important partners who can help shape the educational experiences of all students in Ohio schools. Businesses can partner with schools to share news about job trends and opportunities, as well as economic changes that will affect jobs. They can play a role in District curriculum development and help create new opportunities for students, such as work-based learning experiences.

Purpose of a Business Advisory Council

Business advisory councils foster cooperation among schools, businesses and the communities they serve. This work ensures that the work of educators aligns with the needs of businesses. This cooperation can make a local education system more aware of the local labor market; promote work-based experiences within businesses; and help students prepare for successful learning and employment opportunities.

Business advisory councils include regional business leaders who are familiar with business and industry needs. Members partner with District leaders to plan and carry out the council's work.

Roles of a Business Advisor Council

A. advise the District on changes in the economy and job market and the area in which future jobs are most likely to be available;

B. advocate for the employment skills most critical to business and industry and the development of curriculum to teach these skills;

C. aid and support the District by offering suggestions for developing a working relationship among businesses, labor organizations and educators;

D. identify new and emerging careers;

E. offer recommendations on needed knowledge, skills and competencies;

F. offer recommendations on needed knowledge, skills and competencies;

G. offer work-based learning opportunities;

H. and make recommendations on the facilities and equipment needed to teach work-based skills.

The Board of Education has entered into an agreement with the Trumbull County Educational Service Center so that the ESC's business advisory council will represent the businesses of the District. Regular updates from the council shall be reviewed by the Board.

Business advisory council membership should be representative of the District, be available to attend meetings and participate in council activities, and have a sincere interest in making a positive contribution to ESC/District/council ventures.

Members may be selected from:

A. local or regional businesses and industries;

B. workforce development or economic development groups or organizations;

C. local chambers of commerce;

D. local business or industry associations;

E. other organizations with unique knowledge of the local economy or business environment, such as higher education institutions;

F. the appointing Board of Education or ESC Governing Board (at least one member); and

G. School District leadership teams.

The business advisory council will document its practices in a written description of how the council will work. The description should include:

A. mission statement;

B. member appointment and terms of service;

C. appointment of officers and responsibilities of each office;

D. council's meeting schedule;

E. process the council will use to provide public notice of all meetings;

F. process for taking and recording minutes of each council meeting;

G. procedures for appointment of council subcommittees, if applicable;

H. procedures for appointment of council subcommittees, if applicable;

I. process for reporting to the Board on a quarterly basis;

J. schedule for review and revision of description of operations of the council.

This description outlines the council's purpose and guides its management by defining the council's responsibilities and limitations as well as expectations for its members.

Conflicts of Interest

The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by members of the Business Advisory Council (in accordance with Policy 3133, Policy 4113, and Policy 1130) is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the School District.

Council Activity

The District contact, working with the members of the business advisory council, shall decide the manner in which meetings are conducted, the way decisions are recorded, the process for developing the required plan and joint statement, and other activities of the business advisory council.

Frequency of Meetings

Ohio law requires each business advisory council to meet at least once per quarter.

Business Advisory Council Plan

The council in conjunction with the ESC Governing Board shall develop a written plan. The plan should be revised and updated annually. At minimum, the plan must address how the business advisory council will make recommendations on these items:

A. delineating employment skills and developing curriculum to instill these skills;

B. changes in the economy and job market, and the types of employment in which future jobs are most likely to be available;

C. developing a working relationship among business, labor and education personnel.

The business advisory councils may consider incorporating these elements into their plans:

A. the schedule of required joint meetings of the Board and the business advisory council for the year; (State law requires meetings between the council and the board at least quarterly.)

B. a schedule, as determined appropriate, of additional meetings of the business advisory council or of council subcommittees;

C. data analysis or other information that describes changes in the economy and job market and the types of employment in which future jobs are most likely to be available;

   Data may also focus on student skills or deficiencies and other information that informs the plan.

D. a needs assessment, based on data analysis, that identifies business community needs as well as students' educational needs;

   The latter includes the academic, nonacademic, and employment skills and knowledge students must have to succeed in higher education and careers. Needs might include such things as improving awareness of job opportunities, and improving certain skills among students.

E. a schedule and description of events, activities or programs conducted by the business advisory council to address the identified business or student needs.

While the law does not prescribe specific events, activities or programs may include:

1. Job Fairs or Conferences: A gathering of business representatives and employees in a location that allows students and families to learn about business activities and job opportunities in the School District or region.

2. Job Shadowing: Organized opportunities through which students can shadow employees of businesses to understand the nature of the business and job.

3. Internships, cooperative training, work-based learning opportunities or employment for students: Organized opportunities through which students perform work over an extended time in a business setting to fully understand the nature of a job and how to do it. This can include unpaid as well as paid work; including full-time, part-time or summer employment.

4. Mentoring and tutoring programs for students: Programs through which employers provide opportunities for employees to serve as mentors and tutors to students, helping improve academic skills as well as social, emotional, and workplace and employability skills.

5. Career Counseling and Exploration: This can include helping students learn to use the OhioMeansJobs suite of tools and services. It could also include other career exploration activities or training for District employees on career counseling strategies.

6. Promoting student commitment to being drug free. This could include activities that raise awareness for students not only about the dangers of drug and alcohol use, but also how the use of drugs and alcohol negatively impacts workplace safety and productivity. Focus on how the commitment to remain drug free is a win-win situation for both employers and employees. If possible, provide examples to illustrate the point.

7. Promoting the use of the OhioMeansJobs Readiness Seal. This could include activities that raise awareness by employers and students of the seal and help students gain and demonstrate competencies included as part of the seal. It could also include training for employers on how to rate students on the various competencies required for the seal.

8. Informing curriculum design and development: This could include any of the following:

    a. reviewing curriculum materials for technical content accuracy

    b. reviewing curriculum materials for technical content accuracy

    c. helping the District obtain instructional materials

    d. identifying employability skills

e. donating or otherwise helping the District acquire equipment or facilities for specialized training needs

f. encouraging and promoting secondary and postsecondary connections

g. recommending technical resource personnel

h. using OhioMeansJobs K-12 to show desired employability skills for in-demand jobs

i. supporting a school's application for STEM designation

j. offering recommendations to implement career pathways

9. Engaging educators: This could include activities that provide teachers and other District personnel with information and experiences relative to the businesses in the community. It could include activities like teacher externships and other learning opportunities for educators.

F. Publicizing and communicating local economy and job information: This would include activities designed to inform students, educators and the community about changes to the local economy and which jobs will be most in demand. Activities could include:

1. developing and implementing a local marketing plan for in-demand careers;

2. arranging for meetings between chambers of commerce or business roundtables to discuss economic development in the area;

3. preparing and sharing reports and information on employment trends from the U.S. and Ohio Bureau of Labor Statistics;

4. inviting representatives from postsecondary and the workforce development community to meetings to discuss the future of jobs in the area;

5. using OhioMeansJobs K-12 to show in-demand jobs both throughout Ohio and in the local community.

G. Fostering collaboration, beyond the Council, among business, labor and education personnel. Activities could include:

1. broadly engaging local businesses to support the community's education system and participate in activities specified in the plan;

2. soliciting input from businesses on the work of the business advisory council.

Plans shall be filed annually with the Ohio Department of Education. The Department will coordinate the submission of annual plans through its Security Application for Enterprise (SAFE) web portal.

Submitting a Joint Statement

The council and its ESC Governing Board shall issue a joint statement by March 1st each year. This statement should report progress on work they outlined in the council's plan for that year, summarize actions taken and actions pending, and specify how the council and board have fulfilled their respective responsibilities under the law.

A. meetings conducted by the council;

B. the council's plan and implementation progress;

C. brief summaries of specific activities the council conducted;

D. the nature of the council's advice and recommendations, if any, on needed employment skills and curriculum development to instill those skills;

E. The nature of the council's advice and recommendations, if any, on economic and job market changes and the types of employment in which future jobs are most likely to be available; and

F. the nature of the council's advice and suggestions, if any, for developing working relationships among businesses, labor organizations and educational personnel.

Business Advisory Councils in Ohio Schools, Developed by the Ohio Department of Education and the Governor's Office of Workforce Transformation, 2017

© Neola 2018

ag9150

SCHOOL VISITORS

9150 - **SCHOOL VISITORS**

In order to protect the educational programs of the schools from undue disturbance, each principal shall establish rules and procedures for visitors which shall include the following:

A. Persons wishing to visit one or more schools are to make arrangements in advance through the school office of each school to be visited.

B. Every visitor to a school must register at the school office. Sign-in lists showing name, time, person visiting, and time departing shall be maintained by the office. Any person who does not register with the school office is on school property illegally and should be asked to identify himself/herself properly or to leave the school grounds. If the visitor refuses to leave the school grounds or creates any disturbance, the building principal should request aid from the local police/SRO.

C. No visitor may see a student in school unless it is with the specific approval of Principal/designee. If an emergency situation requires that a student be called to the office to meet with a visitor, a member of the administrative staff must be present during the conference. A student is never to be permitted to leave the school with anyone who is not clearly identified as his/her parent or an appropriately authorized person.

D. Students may not bring guests to school unless permission to do so has been granted by the Principal.

E. No staff member is to transact business with a visitor who has not duly registered at the school office and received authorization to be present for the purpose of conducting business.

F. Parents, other than those who have been asked by a teacher to be in the classroom, who wish to observe learning activities taking place in their child's classroom are to confer, in advance, with the principal and the teacher and state the purpose of the visitation.

It is important that each parent understands that because classroom visitations can be distractive to the students, the following guidelines have been established:

A. Visitations will not be allowed during examinations and independent study periods.

B. A visitation should be no longer than ten (10) minutes.

C. The number of visitors at any one (1) time should not exceed one (1) parent/guardian.

D. The frequency of visits for any student's parents should be no more than one (1) visit every nine (9) weeks and the aggregate number of visits per year should not exceed four (4).

E. Parents are to be silent observers and are not to create any type of disturbance or disruption to the learning process.

F. Copies of instructional materials being used by the students or teacher may not always be immediately available during the visitation.

G. Any comments made by individual students are to be maintained in confidence by the visitor to the activity.

H. No visitor shall be allowed to videotape/audiotape students in the classroom as it violates the privacy rights of students unrelated to the visitor. Recording of other school activities will be in accord with AG 9160 - Attendance at Public Events.

I. If the nature and instructional purpose of any activity calls for students to be segregated by gender, only visitors of the appropriate gender may observe those groups.

J. If a parent or other visitor wishes to tape record a conversation or meeting with a teacher or the principal, s/he should request permission from the teacher or principal. If the teacher or principal wishes to record a conversation with a parent or other visitor, s/he is to inform that person that the conversation is being recorded before the conversation begins. Federal law allows a parent to record an I.E.P. and, if the parent does record, the District should record the conference also.

K. Any comments or concerns are to be discussed with the teacher before or after the school day when students are not present.

Visitors are to be encouraged to meet with the principal and teacher during noninstructional hours to discuss the observation and to obtain answers to their questions. If a parent has a concern about what may be transpiring in his/her child's classroom, s/he should follow the Board's Policy 9130 which states that the parent is to address the matter first with the teacher and, if not rectified, to then meet with the principal.

If a disabled person should visit a school and request accommodation and s/he has not submitted the Request for Accommodation Form 9160A F1, in advance, the principal should ask the person to allow the school adequate time to arrange for the accommodation, providing such accommodation is reasonable (see AG 9160A).

© Neola 2011

ag9160A

ACCESSIBILITY OF DISTRICT FACILITIES

9160A - **ACCESSIBILITY OF DISTRICT FACILITIES**

Building Section 504/ADA Compliance Officers ("Building Compliance Officer(s)"), along with the District Section 504/ADA Compliance Officer(s) ("District Compliance Officer(s)"), are responsible for making sure interested persons (e.g., applicants, participants, members of the public), including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. This mandate requires that communications with disabled persons is as effective as communications with nondisabled persons. As such, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by the Board. The type of auxiliary aid or service necessary to enable effective communication will vary in accordance with the length and complexity of the communication involved. Factors to be considered in determining an appropriate accommodation/auxiliary aid/service include:

A. the context in which the communication is taking place;

B. the number of people involved; and

C. the importance of the communication.

Because modes of communication evolve, the District will reassess its effectiveness regularly, as circumstances and technologies change. When an auxiliary aid and/or service is required, the District will provide an opportunity for individuals with disabilities to request the auxiliary aids and/or services of their choice, and will give primary consideration to the choice expressed by the individual. The District will generally honor the requestor's choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration of the service, program or activity, or in undue financial and/or administrative burdens. This determination will be made by a District Compliance Officer after considering the resources of the District, the impact on the program, service or activity, and the comparable efficacy of the various auxiliary aids and services, while giving primary consideration to the requests of the individual with disabilities. If the District Compliance Officer denies a requestor's choice, s/he will notify, in writing, the person requesting the auxiliary aids/services of his/her determination, including the reasons for his/her decision.

Examples of Auxiliary Aids/Services
for Individuals who are Deaf or Hard of Hearing:

Qualified interpreters - an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person
and who can voice to the hearing person what is being signed by the individual who is deaf; this communication

must
be conveyed effectively, accurately and impartially, through the use of any necessary specialized vocabulary.

Telecommunication devices for deaf persons (TDDs).
Telephones compatible with hearing aids.
Computer-aided transcription services.
Closed caption decoders.
Written materials.
Note-takers.
Telephone handset amplifiers.
Videotext displays.
Assistive listening systems.
Exchange of written notes.

Examples of Auxiliary Aids/Services for Individuals with Vision Impairments

Qualified readers.
Braille materials.
Taped texts.
Large print materials.
Audio recordings.
Assistance in locating items.

Examples of Auxiliary Aids/Services for Individuals with Speech Impairments

TDDs.
Speech synthesizers.
Computer terminals.
Communication boards.

Because the standards for IDEIA-compliance are not the same as ADA requirements, the District will consider students' effective communication needs separately from any IDEIA obligations.

Since the District communicates by telephone with applicants and beneficiaries, TDDs or equally effective telecommunication systems will be used to communicate with individuals with impaired hearing or speech.

Administrators are responsible for verifying that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities. Additionally, administrators are directed to verify that proper signage is present at all inaccessible entrances to their facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility should be used at each accessible entrance to a facility.

The District Compliance Officer shall verify that the following notice is made a part of each communication concerning a District activity to which the public is invited:

"Upon request to the Principal/designee, the District shall make reasonable accommodation for a disabled person to be able to participate in this activity." (see Form 9160A F1)

With regard to accessibility of facilities, the District will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, development and maintenance of an accessible District website, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will serve persons with disabilities in the most integrated setting appropriate.

© Neola 2015

ag9160C

SECTION 504/ADA - COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF DISTRICT FACILITIES

9160C - **SECTION 504/ADA - COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF DISTRICT FACILITIES**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

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

Niles Intermediate Principal
Niles City Schools
120 E. Margaret Street
330-989-5093
compliance@nilesmckinley.org

Supervisor of Exceptional Children
Niles City Schools
309 N. Rhodes Avenue
330-989-5095
compliance@nilesmckinley.org

Building principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed in a timely manner with either the District Compliance Officer or the Building Compliance Officers. The District's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

A person who has a complaint about District facilities or services may register such complaint with the Building Compliance Officer and/or District Compliance Officer. Such complaints should be filed in writing within thirty (30)

calendar days of the circumstances or event giving rise to the complaint. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

1. Name(s) of person(s) filing complaint.

2. Whether the person(s) represents an individual or group.

3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the District Compliance Officer.

4. A written summary of the complaint and a proposed solution.

B. The Building Compliance Officer or the District Compliance Officer will conduct an impartial investigation and will respond to the complaint within five (5) business days. This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint.

C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the Board of Education. The Board will consider the complaint and respond within forty (40) calendar days.

OCR Complaint

At any time, if a member of the public believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the Americans with Disabilities Act, as amended ("ADA"), the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (800)877-8339

E-mail: OCR.Cleveland@ed.gov
Web: http://www.ed.gov/ocr

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

© Neola 2014

ag9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The following regulations are to be observed with respect to the conduct of school events:

A. All laws regarding public assemblies must be strictly complied with. Use of tobacco in any place of public assembly in any school building is absolutely prohibited. The sale, possession, or consumption of any form of alcoholic beverages or prohibited drugs in or on any part of the school buildings or grounds is absolutely prohibited.

B. Wagering on any aspect of an athletic event will not be tolerated, but participation in raffles and other such forms of fund-raising for school-related events is permissible, if the event is authorized by the Superintendent.

A schedule of fees for all school events shall be prepared by the Principal/designee and approved by the Superintendent/Board.

C. Passes to school events will be available to each staff member and Board member.

D. Armed services personnel in uniform shall be admitted free to all school events.

E. The Board will honor athletic passes for all districts which are members of conferences in which teams of this District compete and which honor the passes of this District.

Use of Audio/Video Recording Devices

Anyone attending a school event who wishes to make an audio and/or video recording of the activity must abide by the following rules:

A. The individual must operate the recording device within the area designated by the principal or director of the activity.

B. The recording device must not block the view of any other attendees or interfere with others who seek to record the activity.

C. Individuals who are recording or assisting persons who are recording must not block any passageways nor interfere with any other attendee's participation or observation of the activity.

D. If sound is also being recorded, the individual may not ask other attendees to be quiet or to change their behavior in order to improve the quality of the sound recording.

E. The individual must agree to abide by all District safety rules, a copy of which shall be provided by the principal or director of the activity.

F. If the District is recording the event/activity, the principal may arrange for persons to obtain a copy of the recording, providing the persons requesting copies supply their own medium upon which the recording can be duplicated/copied and/or pay a nominal fee established by the principal which covers the costs of making the copy.

When the District does not possess the appropriate license or permission to allow the recording of a copyrighted work or performance, notice will be given, when possible, prior to the exhibit or performance. Announcements shall be made at the beginning of any such exhibit or performance.

ag9211

DISTRICT-SUPPORT ORGANIZATIONS

9211 - **DISTRICT-SUPPORT ORGANIZATIONS**

In accordance with Board policy, all District-support organizations, including parent associations, booster clubs and the like, are to abide by the following guidelines.

A. Bylaws of the organization clearly state:

1. the purpose of the organization which must be to benefit the students of the District;

2. the name of the organization;

3. the procedure for the election of officers and the length of terms;

4. provisions for student and staff involvement which are to include that a District administrator or faculty member is included on the organization's advisory board and that any student or staff involvement in the conduct of the organization's activities is subject to the approval of the Superintendent.

B. Each organization will, by no later than July 1 of each year, submit its plan for any and all fund-raising activities to include the following:

1. the purpose of each fund-raising activity

2. the fund-raising procedure

3. the bookkeeping procedure that will be used

4. designation of a fiscal officer for the organization who will be responsible for the accounting of funds

5. assurance that none of the proceeds from a fund-raiser are commingled with a student activity account

6. agreement that none of the activities involve the use of public funds

7. a guarantee that funds will be used in ways that are consistent with the purpose of the organization and that at least seventy percent (70%) of all collected funds will be spent on student activities

connected with the District

8. agreement that any purchases made by the organization are not represented as District expenditures and do not use identification numbers of the District such as tax I.D. numbers, purchase order numbers, sales tax exemption forms, and the like

C. Each organization agrees that any donations made to the District shall be done in accordance with Board Policy 7230 and the accompanying guidelines.

D. Each organization agrees to abide by the policies and guidelines established for the use of District facilities and grounds. (see Form 9211 F1)

ag9270

PROCEDURE FOR EDUCATING A CHILD AT HOME

9270 - **PROCEDURE FOR EDUCATING A CHILD AT HOME**

The District has established the following requirements and limitations to home education.

Notification of Intent to Educate Child At Home

A parent electing to home educate a child shall provide notice within five (5) calendar days after commencing home education, moving into the District, or withdrawing from the District or a nonpublic school, and by the thirtieth (30th) day of August each year thereafter. The notice must include the following information:

A. name of parent, parent's address, and telephone number

B. full name of child to be educated at home

C. assurance that the home education program will include the subjects required by State law in the following subject areas:

1. English language arts;

2. Mathematics;

3. Science;

4. History;

5. Government;

6. Social Studies.

Acknowledgment of Receipt of Parent Notice

The Superintendent will send written acknowledgment of receipt of the notice within fourteen (14) calendar days.

Failure of Parent to Provide Home Instruction

If there is evidence that a child exempt from school for home education is not receiving an education in required subject areas, the child may be subject to truancy procedures in accordance with Policy 5200.

Participation in School

Students who are excused from attendance at school by reason of home education will be deemed to have withdrawn from enrollment in District schools during the period of home education. Therefore, the student is not eligible to participate in the following student services, programs, or activities that are operated and/or sponsored by the District:

A. attendance at a District school on a part-time basis;

B. participation in school-sponsored co-curricular activities or programs.

Re-Enrollment in School

If a parent wishes to have their child return to a District school, the parent must follow normal enrollment guidelines. A child who is enrolled in the District following any period of home education shall be placed in the appropriate grade level, without discrimination or prejudice, in accordance with the policies of the Board of Education. The conditions described in AG 5463 - Student Transfer from Non-Chartered Schools and Enrollment from Home Education will apply.

Students are encouraged to enroll at the beginning of a semester.

All home-based, private education courses will be given a grade of P/F (Pass/Fail) and transcripts will denote "home-education, private education" with "P/F grades" and "credits" assigned.

The student's grade-point average will be established only after the student has completed three (3) consecutive semesters of attendance at the high school. To be eligible for awards such as Valedictorian or Salutatorian, Distinguished Scholar, Ohio Academic Scholarship, National Honor Society, etc., the student must be enrolled for three (3) consecutive semesters prior to the second semester of the senior year.

If the student wishes to graduate with a diploma issued by the District, the student must meet the requirements as specified in Board Policy 5460 and graduation guidelines.

© Neola 2024

ag9270A

ADMISSION OF STUDENTS ENROLLING FROM NON-CHARTERED SCHOOLS OR HOME EDUCATION

9270A - **ADMISSION OF STUDENTS ENROLLING FROM NON-CHARTERED SCHOOLS OR HOME EDUCATION**

The following guideline applies to students who are enrolling in the District from home education, a non-chartered religious school, or foreign school. It does not apply to any school that has been chartered or licensed by a state education agency.

General Procedures:

A. The parent is to submit to the Principal written notification of the intent to enter the school no later than ten (10) days prior to the expected date of enrollment.

B. The Guidance staff is responsible for conducting a thorough placement study including an assessment of current learnings relative to each course of study (see AG 5463). The placement study should also include a review of information provided by the parent such as student achievement data, standardized test scores, topics studied, resources used, and samples of student work and accomplishments. No student is to be placed in any school or grade without a written placement review.

C. A final meeting with the parent and student shall be scheduled to review the District's assessment results, establish credits (if applicable), and discuss placement.

D. In the event advance notice is not provided, a temporary placement decision may be made by the Principal while the placement review is conducted. The parent is to be informed of the District's placement review procedure.

E. Prior to placement, the parent must complete normal enrollment procedures as outlined in AG 5111

F. A review of student progress shall be conducted by the Guidance staff at the end of the current grading period to evaluate effectiveness of the placement decision.

G. A parent may request, during the placement procedure, that their child participate in special education programming. If so, the District's special education identification and evaluation procedure is to be followed. If there is no conclusive evidence that special education testing should be initiated or if the student does not qualify, the 504 evaluation procedure (AG 2260) may be applicable or the Intervention Team may be notified prior to student placement.

H. If the District's assessment of a student indicates mastery of curriculum objectives that far exceed the normal age/grade placement, and whose standardized test scores indicate qualification for gifted education, the student may be referred to the Guidance staff for placement.

I. A student enrolling into a school in the District shall be placed in the appropriate grade level, without discrimination or prejudice.

Admission to Kindergarten Through Grade Eight (8)

Placement into a grade shall be made in accordance with the following:

A. age appropriateness

B. results of the examination of the student's most recent annual academic assessment report, which shall include one (1) of the following:

1. data resulting from the assessment procedure described in AG 5463 - Student Transfer from Non-Chartered Schools and Enrollment from Home Education

2. results of a nationally-normed, standardized achievement test

3. written narrative indicating that a portfolio of the student's work has been reviewed and the student's academic progress for the year is in accordance with the student's abilities and the District's applicable courses of study

4. alternative academic assessment of the student's proficiency/level of academic achievement mutually agreed upon by the parent and the Superintendent

C. review of previous regular education program records, if any, to check last grade placement

D. results of the competency-based education tests and/or State-mandated assessments or tests at the appropriate grade level(s) to measure achievement of performance objectives in English language arts, mathematics, and science

Admission to Grades Nine (9) Through Twelve (12)

Placement into a grade shall be made on the basis of credits earned.

Placement into each subject (e.g., English) shall be made based on:

A. age appropriateness;

B. data resulting from the assessment procedure described in AG 5463 - Student Transfer from Non-Chartered Schools and Enrollment from Home Education;

C. results of examination of the student's most recent annual academic assessment report, which shall include one (1) of the following:

1. results of a nationally-normed, standardized achievement test in the subject area;

2. a portfolio of the student's work that demonstrates the student has developed the knowledge and skills at the previous grade level to the one the student should be placed in based on the student's age;

3. alternative academic assessment of the student's proficiency/level of academic achievement mutually agreed upon by the parent and the Superintendent;

D. review of previous regular education program records, if any, to check last grade placement;

E. results of a State-mandated assessment or test or normed, criterion-referenced test in the subject area, if applicable to the grade placement.

Procedures for Receiving Credits/Grades

Students shall receive credit for their academic work on the following basis:

A. to receive credit in English language arts, social studies, mathematics, and/or science, the student must eceive a passing grade in the final examination in the subject, plus satisfactory completion of any academic projects the student must complete to demonstrate competence in the subject area.

B. to receive credit in courses other than English language arts, social studies, mathematics, and/or science, the student must demonstrate proficiency (i.e., a level of academic achievement) as determined by the building administrator and the Guidance staff.

In accordance with Board Policy 5463, no letter or number grades will be recorded for courses for which credit is granted. Credit will be issued on a pass/fail (P/F) basis and the transcript will indicate "home education" credit, as applicable. The credit will be recognized for high school graduation requirements. Students entering school at any point following the conclusion of the first grading period will be evaluated on a pass/fail basis for competency in the coursework dealt with during the grading period(s).

The maximum number of credits a student may receive for each year of academic study is seven (7) credits which is equivalent to the maximum number of credits a student may earn while attending the high school.

Procedures for Determining Grade Point Average (GPA)/Class Rank/Transcripts

A. Students entering the high school shall have no established grade point average (GPA) or class rank until they have completed three (3) semesters.

B. Inclusion of the student in graduation honors such as Valedictorian shall occur if the student has been enrolled for three (3) consecutive semesters.

Graduation and Commencement Exercises

A. Before a diploma will be presented, the student must meet all of the Board's graduation requirements.

B. For a student to qualify for participation in the commencement exercises, the student must be enrolled in the high school for the entire year.

© Neola 2024

ag9700

FUND-RAISING BY CHARITABLE ORGANIZATIONS

9700 - **FUND-RAISING BY CHARITABLE ORGANIZATIONS**

The following criteria will be used in order to ensure equitable consideration of all requests by charitable organizations or groups to solicit funds on District premises. In this context, fund-raising shall also include solicitation of clothing, foodstuffs, or other products. Charitable organizations are those defined in State law.

The purpose of the fund-raising is to help alleviate an economic, health, cultural, educational, or social need in the school community area.

The funds are not used for religious or political purposes.

The organization has a definite plan for the collection and distribution of funds.

These guidelines shall apply to all fund-raising activities other than approved student fund-raising activities and those approved for District-related organizations.

ag9700A

DISTRIBUTION OF MATERIALS TO STUDENTS

9700A - **DISTRIBUTION OF MATERIALS TO STUDENTS**

Procedures

Any person or organization wishing to distribute material on school property must first submit for approval a copy of the material to the Principal day(s) in advance of desired distribution, together with the following information:

A. name of the person or organization

B. date(s) and time(s) of day of intended distribution

C. location where material will be distributed

D. the grade(s) of students to whom the distribution is intended

E. manner in which the material will be distributed

The Principal may either approve the distribution of the material or deny it if the material violates (a) Board Policy 8800, Board Policy 9700, and/or AG 5723; or (b) any of the criteria listed below. If permission to distribute the material is denied, the person or organization shall have the opportunity to make necessary revisions and/or deletions and resubmit to the Principal for approval. If distribution of the material is approved, it must be conducted in accordance with the time, place, and manner restrictions set forth below.

Criteria

The distribution may be authorized if the material:

A. is related to a current course of study offered by the school;

B. ties in with a District-sponsored activity and will be distributed only to students participating in that activity;

C. is unrelated to a District activity but is related to an activity for students that is conducted by an approved outside organization and is to be distributed only to students who are participating in that activity

D. is unrelated to any type of student activity but presents information that will be beneficial to the students receiving the material and distribution by other means is either not possible or is not feasible.

Permission to distribute or display material does not imply agreement of its contents by either the administration of the school, the Superintendent, or the Board.

Time, Place, and Manner of Distribution

The distribution of written material shall be limited to a reasonable time, place, and manner as determined by the principal who shall ensure that:

A. no material is distributed or displayed during a time or at a place of a school activity if it is likely to cause a substantial disruption of that activity or of other activities;

B. no material is distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school.

© Neola 2013

ag9700B

CRITERIA FOR COMMERCIAL MESSAGES

9700B - **CRITERIA FOR COMMERCIAL MESSAGES**

Any organization that seeks or is requested to provide materials or equipment to the District which contains or has associated with its messages which are designed to sell a product or service must submit the request to the Principal before the item(s) is used by the District.

Furthermore, any commercial organization that contracts with a school group or school-affiliated organization to purchase space for the purpose of advertising a product or service must submit the request to the Principal/Superintendent before finalizing the advertisement.

The determination as to the appropriateness of the commercial message will be based on the Advertising Guidelines set forth in Policy 9700.01 and the following criteria:

A. The message does not relate to a product which is inappropriate for or illegal to minors.

B. The message does not relate to a product or service that would be considered educationally controversial or objectionable to a significant number of parents or other members of the District's community.

C. The message can be presented without loss of instructional time.

D. The message consists of no more than the name of the product (service) and/or the name of the sponsoring organization.

E. The primary intent of the sponsor is to provide the District with an item that is beneficial to the District rather than to provide a means for the sponsor to sell a product or service.

Signs identifying school facilities shall be free of any commercial advertising.

The administration recognizes that certain publications such as newspapers and magazines used in a classroom or media center contain advertisements. It is the responsibility of the staff member who obtains any such materials to review them so as to ensure there are no editorial matters or advertisements that promote illegal, promiscuous, or prurient behavior or foster any form of prejudice against any group of people.

© Neola 2007

ag9800

HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT, AND VIETNAM CONFLICT VETERANS

9800 - **HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT, AND VIETNAM CONFLICT VETERANS**

Applications are available at the County Veterans Services Office for any person who wishes to obtain a high school diploma for an individual, living or deceased, who left high school to serve in World War II, the Korean Conflict or the Vietnam Conflict. Also, forms are available for any person who wishes to obtain a high school diploma for a woman, living or deceased, 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 her family or to join the war effort or left due to family circumstances and subsequently joined the workforce or war effort. After the applicant completes the appropriate portion of the form with that office, the County Veterans' Services Office completes the rest of the form to verify service and eligibility (R.C. 3313.616 and A.C. 5902-3-01). This form is then returned to the school from which the individual, or applicant on behalf of the individual, is requesting the 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.

To qualify, the veteran must have served at any time during the period of September 16, 1940 and December 31, 1946, June 27, 1950 and Jan. 31, 1955, or August 5, 1964 (February 28, 1961 for veterans who served "in country" before August 5, 1964) and May 7, 1975 in any branch of the Armed Forces of the United States including:

1. United States Army Air Corps;

2. United States Air Force;

3. United States Army;

4. United States Coast Guard;

5. United States Marine Corps;

6. United States Navy.

C. The veteran received an honorable discharge from the armed forces of the United States as verified by the original or a copy of the DD 214 or other proof of service.

D. The individual has not been granted a high school diploma, a diploma of adult education, or a diploma under this provision.

The application form was developed by the Governor's Office of Veterans' Affairs, with the advice and consent of the Veterans Advisory Board, for use by all County Veterans Services Offices to process requests from World War II veterans or their family members for the awarding of high school diplomas. When completed, the application is forwarded to the District from which the applicant has indicated they would like to receive the high school diploma. The District may then award the diploma to the individual or to a living relative of the individual. (see Form 9800 F1)