OHIO VALLEY ESC

Policy Manual

340 policies

July 9, 2026

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po0100

DEFINITIONS

0100 - **DEFINITIONS**

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

Governing Board

The Educational Service Center of the Ohio Valley Governing Board ("Governing Board").

Apps and Services

Apps and services ("apps/services") are software (i.e., computer programs and applications) that support the interaction of personal communication devices (as defined in Bylaw 0100, below) or technology resources (as defined by Bylaw 0100, below) or information resources (as defined by Bylaw 0100, below) or technology resources (as defined by Bylaw 0100, below) or information resources (as defined by Bylaw 0100, below) over a network, or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from, and among, and between, staff, students and parents, Board members and/or other stakeholders, and members of the community.

Bylaw

Rule of the Governing Board for its own governance.

Certificated Staff Member

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

Classified Employee

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

Educational Service Center

The Ohio Valley Educational Service Center ("ESC").

Information Resources

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes, but is

not limited to, electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, websites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting, or retrieving electronic communications.

May

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

Meeting

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

Policy

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

Personal Communication Devices

Personal communication devices ("PCDs") are electronic communication devices powered by batteries or electricity that are capable of receiving, transmitting, or

receiving and transmitting communication between individuals or groups that are not issued by the District for the purpose of instruction. Examples of PCDs include computers, laptops, tablets, e-readers, cellular telephones, smartphones, gaming devices, smartwatches and other wearable technology, and other web-enabled devices used to communicate. R.C. 3313.753

President

The President of the Governing Board. (See Bylaw 0152 - Officers)

Program Director

The educational leader and head administrator of one (1) or more Center programs. In policy and administrative guidelines, implies delegation of designated responsibilities to appropriate members of the staff.

Professional Staff Member

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

Shall

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

Social Media

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

Student

A person who is officially enrolled in educational services/schools/programs of the ESC.

Superintendent

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

Treasurer

The chief fiscal officer of the ESC.

Vice-President

The Vice-President of the Governing Board. (See Bylaw 0152 - Officers)

Voting

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

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

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po0121

AUTHORITY

0121 - **AUTHORITY**

The supervision of the system of public education of this ESC shall be conducted by the Governing Board.

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po0122

GOVERNING BOARD POWERS

0122 - **GOVERNING BOARD POWERS**

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

The Governing Board only speaks through its minutes.

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

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

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

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po0122.1

GOVERNING BOARD MEMBER POWERS

0122.1 – **GOVERNING BOARD MEMBER POWERS**

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

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po0123

CODE OF ETHICS/CODE OF CONDUCT

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

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

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Ohio Valley Educational Service Center

po0131

LEGISLATIVE

0131 - **LEGISLATIVE**

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

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

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

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

Any resolution shall only require one (1) reading.

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

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

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po0131.1

TECHNICAL CORRECTIONS

0131.1 - **TECHNICAL CORRECTIONS**

Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include consolidation of sections; transfer of sections; combining or dividing sections; renumbering subsections, sections, chapters, and titles; corrections or additions for grammatical or typographical errors; alterations and omissions; and/or updating the name(s) of the individual(s) who serve as Compliance Officer(s), as long as the position/title remains the same as listed in the applicable Board policy, not affecting the constructions or meaning of those sections, subsections, chapters, titles, or policies as a whole, and are of a non-substantive nature.

The Superintendent is authorized to identify and undertake technical corrections, as identified above, found in the policies and regulations. Upon completion of the technical and formatting corrections, the Superintendent shall provide a brief summary of the corrections to the Board for review. Should the Board determine that a correction is substantive in nature, it will utilize the normal policy adoption procedure in Policy 0131 - Legislative to adopt the amendments to the policy or regulation.

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po0133

JUDICIAL

0133 - **JUDICIAL**

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

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

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

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

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

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

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NUMBER

0141 - **NUMBER**

The Governing Board shall consist of the authorized number of members permitted by law.

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po0141.2

CONFLICT OF INTEREST

0141.2 - **CONFLICT OF INTEREST**

A Governing Board member shall not have any direct or indirect pecuniary interest in a contract with the Educational Service Center ("Center"); nor shall a Governing Board member furnish directly any labor, equipment, or supplies to the Center; nor shall a Governing Board member be employed by the Board in any capacity for compensation.

In the event a Governing Board member is employed by a corporation, business, political subdivision, or a public or private institution of higher education which furnishes goods or services to the Center, the Governing Board member shall declare their association with the organization and refrain, as mandated by law, from debating or voting upon the question of the contract. It is not the intent of this policy to prevent the Center from contracting with corporations or businesses because a Governing Board member is an employee of the firm. The policy is designed to prevent placing a Governing Board member in a position where a Governing Board member's interest in the public schools and interest in their place of employment might conflict and to avoid appearances of conflict of interest even though such conflict may not exist. Each Governing Board member is responsible for complying with the Ohio Ethics Commission prior to taking any action.

Among the conflicts which law specifically forbids:

A. the prosecuting attorney or city attorney from serving on the Governing Board;

B. a Governing Board member from serving as the school dentist, physician, or nurse;

C. a Governing Board member from being employed for compensation by the Governing Board;

D. a Governing Board member from having, directly or indirectly, any pecuniary interest in any contract with the Governing Board;

E. a Governing Board member from accepting a reward, gift, or reduction in price for favoring, recommending, or advocating the introduction, adoption, or use in the school of a textbook, map, chart, or any other school supply;

F. a Governing Board member, for a period of one (1) year after leaving office, from accepting employment with the Governing Board where such employment was authorized by the GoverningBoard while a Governing Board member was a member thereof;

G. a Governing Board member from soliciting or using the authority or influence of the office to secure employment with the Governing Board;

H. a Governing Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of the office to create a position with the Center or to set the compensation for such position where the Governing Board member is considering, or is being considered for, employment in that position;

I. a Governing Board member from having an interest in a contract for the purchase of property, supplies, or fire insurance by any county, township, municipal corporation, board of education, or public institution anywhere in the State of Ohio, if such contract exceeds $150 unless the contract is let by competitive bidding;

J. a Governing Board member from being involved in any aspect of the hiring process including, but not limited to, discussing, deliberating, interviewing, or voting on a contract with that person as a teacher or instructor if the Governing Board member is related to that person as spouse, father, mother,

step-parent, brother, sister, minor child, step-child, grandparent, grandchild, or any other person related by blood or marriage that resides in the same household as the Governing Board member;

K. a Governing Board member from authorizing or using the authority or influence of office to secure authorization of a public contract in which the Governing Board member, a member of their family, or any of their business associates has an interest;

L. a Governing Board member from authorizing or using the authority or influence of office to secure the investment of public funds in any share, bond, mortgage, or other security in which the Governing Board member, any member of their family, or any of their business associates have an interest, or receives any brokerage, origination or servicing fees, or is an underwriter;

M. a Governing Board member from having an interest in the profits or benefits of a public contract entered into by the Center with which a Governing Board member is connected;

N. a Governing Board member from using the authority or influence of office to secure anything of value or the promise of anything of value to the Governing Board member, from soliciting or accepting anything of value that is of such a character as to manifest an improper and substantial influence upon the Governing Board member with respect to the Governing Board member's duties.

Governing Board members shall not accept any form of compensation from a vendor or other improper source that is seeking to do business with the Center, is doing business with the Center, is regulated by or interested in matters before the Center. In addition, Governing Board members shall not enter into a contractual arrangement with a vendor seeking to do business with the Center, or a vendor with whom the Center is doing business, whereby an individual Governing Board member receives compensation in any form for services rendered. Such compensation or things of value are not limited to cash, check, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Governing Board member receives such compensation, the Governing Board member shall immediately notify

the Treasurer, in writing, that they received such compensation and shall thereafter promptly transmit such compensation to the Treasurer.

Nothing herein shall prevent a Governing Board member who attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party so long as the meal, reception, or open house is: 1) of an ordinary, routine character; 2) at an educational or informational event; and 3) open to all of the public officials and employees attending the event. A Governing Board member is prohibited from improperly using their position to secure the donation of the cost of a meal, reception, or open house at a conference of an association of public officials and employees to which the Governing Board member or their Governing Board belongs, while the Governing Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

A Governing Board member whose spouse is an employee in the Center may not vote, authorize, or use the influence of office to secure approval of an employment contract with the Governing Board member's spouse. Neither may the Governing Board member vote, deliberate, discuss, or otherwise attempt to influence a collectively-bargained, negotiated agreement affecting their spouse if the spouse is an officer, executive committee member, or member of the negotiating team or committee of the employee organization or if the agreement includes provisions for health insurance under which said Governing Board member is covered as a benefit of the spouse's employment.

Governing Board members are responsible for knowledge of the ethics law applicable to their public service as an elected official in the State of Ohio. Governing Board members should seek guidance on the application of Ohio’s ethics law prior to acting. This policy is an overview, not a complete statement of Ohio’s ethics laws.

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QUALIFICATIONS

0142 - **QUALIFICATIONS**

Each of the eleven (11) members of the Governing Board – six (6) members from the Guernsey/Monroe/Noble Subdistrict and five (5) members from the Washington Subdistrict - shall meet the qualifications specified by law and courts of competent authority including, but not limited to, the July 1, 2012 Governance Plan for the Ohio Valley Educational Service Center on file with the Office of the Treasurer.

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po0142.1

OATH

0142.1 - **OATH**

Each member of the Board shall, before entering the duties of office, take an oath to support the Constitution of the United States and the Constitution of the State of Ohio and to faithfully and impartially perform the duties of the office. R.C. 3313.10

While the oath of office may be separately administered by qualified individuals, the oath of office shall also be administered to new members by the Treasurer or a member of the Board. R.C. 3.24, R.C. 147.07, R.C. 3313.10

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po0142.3

ORIENTATION

0142.3 - **ORIENTATION**

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

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COMPENSATION

0147 - **COMPENSATION**

Governing Board members shall be compensated for meetings and travel in an amount equal to the maximum allowable compensation permitted by law including, but not limited to, R.C. 3313.12(A).

Additionally, Governing Board members shall be paid the maximum allowable compensation permitted by law including, but not limited to, R.C. 3313.12(C), for attendance at an approved training program.

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

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

A Governing Board member shall be permitted to request coverage for himself/herself and/or family in the ESC's group health and life insurance plan. This coverage is

permissible only at the Governing Board member's expense. This does not constitute "pecuniary interest" in any contract.

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

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

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PUBLIC EXPRESSIONS OF MEMBERS

0148 - **PUBLIC EXPRESSIONS OF MEMBERS**

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

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

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

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po0148.1

GOVERNING BOARD-EMPLOYEE COMMUNICATIONS

0148.1 - **GOVERNING BOARD-EMPLOYEE COMMUNICATIONS**

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

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

Ohio Valley Educational Service Center

po0151

ORGANIZATIONAL MEETING

0151 - **ORGANIZATIONAL MEETING**

The Governing Board shall organize annually at a meeting held during January. No later than December 31st of the previous year, the Treasurer shall survey the members of the new Board and establish the date, time, and place of the organizational meeting. The Board shall appoint a President Pro Tem who shall serve as presiding officer for the organizational meeting until the election of the Board President. The Board shall organize by electing one (1) of its members the President and another the Vice-President. (See Bylaw 0152 - Officers)

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OFFICERS

0152 - **OFFICERS**

The Governing Board shall elect, from among its members, a President and Vice-President. Such election shall occur at the annual organizational meeting. (See Bylaw 0151 - Organizational Meeting)

A. The President of the Board shall:

1. preside at all public meetings of the Board; (See Bylaw 0163 - Presiding Officer)

2. call special meetings of the Board (R.C. 3313.16);

3. appoint all committees;

4. sign notes, minutes, conveyances, contracts, and other legal instruments for which the signature of the President is called (R.C. 3313.51, 3315.08);

5. assist in the preparation of the Board agenda.

B. The Vice-President shall assume and discharge the duties of the President in the event of absence, disability, or disqualification.

Board officers shall be elected by a majority vote of all members. Any member of the Board may nominate either themselves or another member for office.

Officers shall serve for one (1) year and until their respective successors are elected and shall qualify (R.C. 3313.14).

In the event that the office of President or Vice-President becomes vacant, the Board shall fill the vacancy for the unexpired term in the same manner as the election conducted at the organizational meeting.

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APPOINTEES/DESIGNEES

0153 - **APPOINTEES/DESIGNEES**

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

Ohio Valley Educational Service Center

po0154

REGULAR MEETINGS OF THE GOVERNING BOARD

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

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

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po0155

COMMITTEES

0155 - **COMMITTEES**

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

Whenever a committee and/or sub-committee meets for any pre-arranged discussion of public business of that committee or sub-committee, it shall abide by the Ohio Sunshine Law as codified in R.C. 121.22 and applicable law. The law requires that the committee or sub-committee give public notice of each meeting as well as prepare, file, and maintain minutes of the proceedings.

Such minutes shall also be available for inspection by the public. A committee and/or sub-committee may meet in executive session in accordance with the provisions of Bylaw 0167.2 - Executive Session, and with the Ohio Sunshine Law as codified in R.C. 121.22 and applicable law.

T.C. 12/19/24

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APPOINTMENT OF LEGAL ADVISORS

0156 - **APPOINTMENT OF LEGAL ADVISORS**

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

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

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

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

Ohio Valley Educational Service Center

po0162

QUORUM

0162 - **QUORUM**

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

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po0163

PRESIDING OFFICER

0163 - **PRESIDING OFFICER**

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

T.C. 12/19/24

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po0164

NOTICE OF MEETINGS

0164 - **NOTICE OF MEETINGS**

A. At the time of the organization meeting, each Governing Board shall fix the time for holding its regular meetings. The Governing Board's designees, committees, and sub-committees shall fix the time for holding its regular meetings thirty (30) calendar days of any appointment for any given calendar year.

B. Notice of the time, place, and purpose of each special meeting shall be provided consistent with the Ohio Sunshine Laws (R.C. 121.22 and R.C. 3313.16) for all meetings of the Governing Board (or its designees, commissions, sub-commissions, committees, or sub-committees as applicable).

C. Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by reviewing the ESC (Center) website, in the Center's office, or submitting a request to the Treasurer/CFO to be provided with electronic notification of same. And posting such meetings and material to the ESC (Center's) website shall establish a reasonable method by whereby any person may determine the time and place of all scheduled meetings.

D. Any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person. No fee is required for electronic notifications.

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po0165

BOARD MEETINGS

0165 - **BOARD MEETINGS**

Regular Meetings

Regular meetings of the Governing Board shall be public and held at least once every two (2) months. The time of such meetings shall be fixed at the organizational meeting. R.C. 121.22, 3313.15

Special Meetings

Special meetings of the Board shall be public. R.C. 121.22

A. Special meetings, which include emergency meetings, shall be called by the President, Treasurer, or by two (2) members of the Board by serving a written notice of the time and place of such meeting upon each Board member at least two (2) days in advance of the meeting. The notice shall be signed by the official or members calling the meeting. R.C. 3313.16

B. The agenda for a special meeting is limited to the purpose(s) set forth in the public notice that is provided at least twenty-four (24) hours in advance of the meeting. At the special meeting, the Board may only discuss those issues set forth on the agenda, whether in open session or executive session.

Emergency Meetings

Emergency meetings are a subset of special meetings of the Board and may be called by the President, Treasurer, or two (2) members of the Board. Notice of the time, place, and purpose(s) of an emergency meeting will be given immediately to Board members and the news media that have requested notification. The agenda for an emergency meeting is confined to the announced purpose(s) of the meeting.

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RECESS/ADJOURNMENT

0165.3 – **RECESS/ADJOURNMENT**

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

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

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

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po0166

AGENDAS

0166 - **AGENDAS**

Agenda

A. It shall be the responsibility of the Superintendent, in cooperation with the Board President, to prepare an agenda of the items of business to come before the Governing Board at each regular meeting.

B. The agenda of the regular monthly meeting or special meetings may include a report from the Superintendent on information relating to the Educational Service Center ("ESC" or "Center") with such recommendations the Superintendent shall make.

C. Each agenda shall contain the following statement:

"This meeting is a meeting of the Governing Board in public for the purpose of conducting the Educational Service Center's business and is not to be considered a public community meeting. Public participation is governed by Board Bylaw 0169.1 - Public Participation at Board Meetings."

D. The agenda for each meeting shall be provided to each Governing Board member in advance within a reasonable period of time. The notice to the public and media shall be pursuant to R.C. 121.22(F).

E. The Governing Board shall transact business according to the agenda. The agenda may be modified in accordance with the Governing Board's adopted parliamentary procedures at any regular meeting.

Consent Agenda

The Governing Board may use a consent agenda to efficiently address routine matters. Items on the consent agenda will be reviewed during the meeting prior to action being taken.

Items on the consent agenda shall be limited to routine matters. The following routine business items may be included in a single resolution for consideration by the Board:

A. minutes of prior meetings

B. bills for payment

C. hiring of personnel

D. resolutions that require annual adoption, such as bank signatories, association membership(s), etc.

E. resignations and leaves

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

Rescheduled Regular Meeting Agenda

For rescheduled regular meeting dates that have been noticed at the organizational meeting, the agenda for a rescheduled regular meeting shall be the agenda that had been established for that regular meeting and the agenda may be modified pursuant to agenda procedures detailed in this policy.

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po0167

VOTING

0167 - **VOTING**

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

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

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

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

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po0167.1

USE OF ELECTRONIC COMMUNICATION

0167.1 - **USE OF ELECTRONIC COMMUNICATION**

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

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

Ohio Valley Educational Service Center

po0167.2

EXECUTIVE SESSION

0167.2 - **EXECUTIVE SESSION**

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

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

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

No official action may be taken in executive session.

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

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

Ohio Valley Educational Service Center

po0167.7

USE OF PERSONAL COMMUNICATION DEVICES

0167.7 - **USE OF PERSONAL COMMUNICATION DEVICES**

When performing duties as a Governing Board member, regardless of whether the Board member is using a personal communication device ("PCD") (as defined by Bylaw 0100) or Educational Service Center ("Center") technology resources (as defined by Bylaw 0100), a Board member's use of PCDs or Center technology resources shall be in accordance with the following policies:

A. Policy 7530.01 - Cellular Telephone Allowance

B. Policy 7530.02 - Staff Use of Personal Communication Devices

C. Policy 7540.04 - Staff Technology Acceptable Use and Safety

D. Policy 7542 - Access to Center Technology Resources and/or Information Resources from Personal Communication Devices

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po0168

MINUTES

0168 - **MINUTES**

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

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

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

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

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po0169.1

PUBLIC PARTICIPATION AT GOVERNING BOARD MEETINGS

0169.1 - **PUBLIC PARTICIPATION AT GOVERNING BOARD MEETINGS**

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

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

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

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

The presiding officer shall be guided by the following rules:

A. Public participation shall be permitted as indicated on the order of business which shall be at the end of all old and new business.

B. Individuals may not register others to speak during public participation.

C. Participants shall be recognized by the presiding officer and shall be requested to preface the participant's comments by an announcement of the participant's name, address, and group affiliation when appropriate.

D. Public participation shall be limited to a period not to exceed a total of fifteen (15) minutes.

E. Within the maximum fifteen (15) minute public participation period, a participant shall be permitted to speak in the order in which the participant's name appears on the sign-in sheet until the fifteen (15) minute period expires. Upon expiration of the fifteen (15) minutes period, there shall be no further public participation.

F. Each statement made by a participant shall be limited to three (3) minutes duration.

G. During the portion of the meeting designated for public participation, no participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.

H. All statements shall be directed to the presiding officer and no participant may address and/or question Governing Board members individually.

I. Tape and/or video recordings are permitted. The person operating the recorder shall contact the Superintendent prior to the Governing Board meeting to review possible placement of the equipment, and shall agree to abide by the following conditions:

1. No obstructions are created between the Governing Board and the audience;

2. No interviews are conducted in the meeting room while the Governing Board is in session; and

3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Governing Board or members of the audience while the Governing Board is in session.

J. The presiding officer may:

1. Interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest);

2. Request any individual to stop speaking and/or leave the meeting when that person does not observe reasonable decorum;

3. Request the assistance of law enforcement officers in the removal of a disorderly person when that person’s conduct interferes with the conduct and/or orderly progress of the meeting;

4. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and/or

5. Waive these rules, with the approval of the Governing Board when necessary for the protection of privacy and/or the administration of the Governing Board’s business.

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

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po0169.2

OPEN MEETINGS/SUNSHINE LAW

0169.2 - **OPEN MEETINGS/SUNSHINE LAW**

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

Ohio Valley Educational Service Center

po1100

ESC ORGANIZATION

1100 - **ESC ORGANIZATION**

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

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

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

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

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

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po1110

ASSESSMENT OF ESC GOALS

1110 - **ASSESSMENT OF ESC GOALS**

One of the major functions of the Governing Board is to work with the administration to establish the goals by which the ESC can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance the Governing Board places on accomplishing goals, it has established the following policy for effective assessment of the ESC's progress toward their realization.

In conjunction with its evaluation(s) of the Superintendent, the Governing Board shall also provide the time for both the Governing Board and the Superintendent/Treasurer to assess the progress of the ESC, during the previous year, toward the achievement of current goals. Both the Superintendent/Treasurer's evaluation(s) and the progress-assessment of goals shall take place at a time of the year when the following conditions are most favorable to assure this policy operates as intended:

A. There is adequate and reliable data available on results-to-date of each ESC goal so assessment and evaluation can focus on how well the ESC is accomplishing its goals;

B. Evaluations or progress assessments of the ESC's learning programs as well as evaluations of key administrators and other staff have been completed so such data is available for reference by the Superintendent/Treasurer and Governing Board during the assessment of ESC goals and the evaluation(s) of the Superintendent/Treasurer;

C. The Governing Board uses this assessment/evaluation time period to assess the effectiveness of the Governing Board; and

D. Summaries and synthesized data, compiled from the evaluation(s) of the Superintendent/Treasurer, the Governing Board's self-assessment, and the evaluation data on programs and staff, are available to serve as reference information when determining the reasons for progress and/or lack of progress toward the accomplishment of ESC goals.

This annual process of assessing/evaluating the Governing Board, the Superintendent, the Treasurer, programs, and resources shall not be considered finished until:

A. ESC goals and the strategies and actions being used to accomplish them have been reviewed and reprioritized;

B. Revisions have been made in light of what all of the evaluation data for that year has indicated should be changed should be continued in order to improve the accomplishment of ESC goals; and

C. The Governing Board develops and implements a plan to improve its own performance as the body charged with the responsibility for the governing of the ESC.

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po1121

CRIMINAL HISTORY RECORD CHECK

1121 - **CRIMINAL HISTORY RECORD CHECK**

In accordance with applicable laws and regulations, the Governing Board requires a criminal background check of each applicant the Superintendent recommends for employment on the ESC's professional staff as well as for current employees on a periodic basis. These requirements apply to any non-teaching employee, including individuals employed by a private company under contract with the Governing Board to provide essential school services. This requirement includes all substitutes and persons employed on a part-time basis such as coaches or activity supervisors. In addition, all professional staff members with a license, certificate, or permit issued by the State Board of Education shall undergo a criminal background check as prescribed by law and by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation and be enrolled in the State's Rapback System as required by State law.

Ohio Valley Educational Service Center

po1130

CONFLICT OF INTEREST

1130 - **CONFLICT OF INTEREST**

A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by the Governing Board's members, and the Educational Service Center's ("Center's") employees, officers, and agents. Further, such characteristics are essential to the Governing Board's commitment to earn and keep the public's confidence in the Center. For these reasons, the Governing Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all Center employees, officers, and agents, including members of the Governing Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, officers, agents, and Governing Board members.

1. No employee, officer, agent, or Board member shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with duties and responsibilities in the school system.

2. Employees, officers agents, and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Center.

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

   a. the provision of any private lessons or services for a fee

   b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's agent's, or Governing Board member's employment or

professional relationship with the Center through the employee's, officer's, agent's, or Board member's access to Center records

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, agent, or Board member or any business or professional practitioner with whom any employee, officer, agent, or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers, agents, or Board members shall not make use of materials, equipment, or facilities of the Center in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship.

C. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

An employee, officer, agent, and Board member of the Center may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors.

D. If the Center has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the Center may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the Center is

unable, or appears to be unable, to be impartial in conducting a procurement action involving a related organization.

E. Employees, officers, agents, and Board members must promptly disclose any potential conflict of interest which may lead to a violation of this policy to the Center. Upon discovery of any potential conflict of interest, the Center will promptly disclose, in writing, the potential conflict of interest to the appropriate Federal agency or, if applicable, the pass-through entity.

The Center will also promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The Center is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

F. Employees, officers, agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and may also face criminal charges and/or risk loss of State-issued licenses/permits.

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po1200

STAFF ETHICS

1200 - **STAFF ETHICS**

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

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;

B. represent accurately their qualifications;

C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

D. seek and apply the knowledge and skills appropriate to assigned responsibilities;

E. keep in confidence legally confidential information;

F. pledge that their actions and/or those of another on their behalf are not made with specific intent of advancing private economic interests;

G. refuse to accept anything of value offered by another for the purpose of influencing judgment;

H. refuse to accept compensation from any other source, other than the Governing Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation; and

I. refrain from using his/her position or public property or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This shall in no way limit constitutionally or legally protected rights as a citizen.)

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

A. making the well-being of students the fundamental value of all decision making and actions;

B. fulfilling professional responsibilities with honesty and integrity;

C. supporting the principle of due process and protecting the civil and human rights of all individuals;

D. obeying local, State, and national laws;

E. implementing the Governing Board's policies, rules, and regulations;

F. pursuing appropriate measure to correct those laws, policies, and regulations that are not consistent with sound educational goals;

G. avoiding the use of his/her position for personal gain through political, social, religious, economic, or other influences;

H. accepting academic degrees or professional certification only from duly accredited institutions;

I. maintaining the standards and seeking to improve the effectiveness of the profession through research and continuing professional development; and

J. honoring all contracts until fulfillment, release or dissolution mutually agreed upon by all parties to the contract.

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po1210

GOVERNING BOARD - SUPERINTENDENT RELATIONSHIP

1210 - **GOVERNING BOARD - SUPERINTENDENT RELATIONSHIP**

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

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

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

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STAFF GIFTS

1214 - **STAFF GIFTS**

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

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

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

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

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

Ohio Valley Educational Service Center

po1220

EMPLOYMENT OF THE SUPERINTENDENT

1220 - **EMPLOYMENT OF THE SUPERINTENDENT**

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

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

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

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

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

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

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po1230

RESPONSIBILITIES OF THE SUPERINTENDENT

1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

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

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

The Governing Board expects that the Superintendent shall at all times:

A. demonstrate professionalism, integrity, accountability, and educational leadership;

B. collaborate with the Governing Board and the ESC's Treasurer/CFO in the achievement of ESC goals and priorities;

C. not cause or allow any ESC practice, activity, decision, or circumstance that is either imprudent, dishonest, unlawful or in violation of commonly accepted educational, management or professional ethics and practices;

D. retain employees in accordance with Governing Board approved salary schedules on a temporary basis pending the next meeting at which the Governing Board can act; and

E. maintain and expand programs, services, and opportunities.

Communication with the Governing Board

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

A. submit data to the Governing Board in a timely, accurate and understandable fashion, directly addressing the matter at issue and including the Superintendent's analysis and interpretations;

B. make the Governing Board aware of any actual or anticipated noncompliance with any of the Governing Board's policies, or applicable law, regardless of the Governing Board's meeting schedule;

C. provide the Governing Board with decision information required periodically by the Governing Board and make the Governing Board aware of relevant events or trends;

D. present information to the Governing Board in a concise and useable form; and

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

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po1230.01

DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

1230.01 - **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

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

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

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OUTSIDE ACTIVITIES OF ADMINISTRATORS

1231 - **OUTSIDE ACTIVITIES OF ADMINISTRATORS**

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

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

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

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

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

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

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

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

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RESEARCH AND PUBLISHING

1231.01 - **RESEARCH AND PUBLISHING**

A. Staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.

B. Materials that are considered for publication and/or production, which identify the ESC in any manner, shall be cleared with the Superintendent prior to publication and/or production.

C. Publications and productions shall be subject to the following copyright provisions:

1. Rights to copyrights or patents of books, materials, devices, etc. developed by staff members on their own time shall be relinquished by the Governing Board upon request of the staff member provided that:

    a. the books, materials, devices, etc. were prepared without the use of Governing Board data, facilities, and/or equipment;

    b. the Governing Board is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;

    c. the staff member does not become involved in any way in the selling of the product to the Governing Board.

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

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

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

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

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

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po1240

EVALUATION OF THE SUPERINTENDENT

1240 - **EVALUATION OF THE SUPERINTENDENT**

The performance of the Superintendent shall be monitored systematically.

Performance Monitoring

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

A. determine the degree to which the Governing Board's expectations and the Superintendent's annual performance goals are being met; and

B. provide the opportunity for dialogue between the Governing Board and the Superintendent on performance-related matters.

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

A. by Superintendent report, in which the Superintendent reports information and documents performance-related matters to the Governing Board;

B. by external verification, in which an external, disinterested third party selected by the Governing Board assesses performance and compliance with Governing

Board polices; or

C. by direct Governing Board evaluation, in which the Governing Board assesses performance and compliance with the Governing Board's policies.

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

Annual Performance Evaluation

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

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

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

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

B. the Governing Board's consensus conclusions whether or not each expectation has been achieved or reasonable progress has been made towards its achievement; and

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

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

Development of Evaluation Procedures

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

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

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

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po1240.01

NON-REEMPLOYMENT OF THE SUPERINTENDENT

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

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

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

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po1260

INCAPACITY OF THE SUPERINTENDENT

1260 - **INCAPACITY OF THE SUPERINTENDENT**

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

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po1266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

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

Introduction

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

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

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

Coverage

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

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

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

Definitions

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

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

A. A Governing Board employee conditioning the provision of an aid, benefit, or service of the Governing Board on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);

B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Governing Board's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, criminal sexual contact (f.k.a. fondling), incest, and statutory rape.

1. Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.

2. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

3. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

4. *Criminal Sexual Contact (f.k.a. Fondling)* is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

5. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

6. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by State law.

7. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

8. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the victim;

2. A person with whom the victim shares a child in common;

3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

5. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

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

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

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Governing Board investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Governing Board, a Complainant must be participating in or attempting to participate in the Governing Board's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the

Governing Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

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

Education Program or Activity: "Education program or activity" refers to all operations of the Governing Board, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity

that occurs on school grounds or on other property owned or occupied by the Governing Board. It also includes locations, events and circumstances that take place off-school property/grounds over which the Governing Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

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

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

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

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

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

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

Title IX Coordinator(s)

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

Special Needs/Student Services Consultant Ohio Valley Educational Service Center Marietta Office 2333 B State Route 821 Marietta, OH 45750 (740) 373-6669 Executive Director of Operations and Special Projects Ohio Valley Educational Service Center Cambridge Office 128 East 8th Street Cambridge, OH 43725 (740) 439-3558

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

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

The Governing Board of the Ohio Valley Educational Service Center does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Governing Board's Title IX Coordinators are:

Special Needs/Student Services Consultant Ohio Valley Educational Service Center Marietta Office 2333 B State Route 821 Marietta, OH 45750 (740) 373-6669 Executive Director of Operations and Special Projects Ohio Valley Educational Service Center Cambridge Office 128 East 8th Street Cambridge, OH 43725 (740) 439-3558

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

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

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

Grievance Process and Procedures

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

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a

conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

Report of Sexual Discrimination/Harassment

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

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

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

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

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

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

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

another individual bringing the information to the Governing Board employee's attention and the reporting individual submitted a written complaint to the Governing Board employee, the Governing Board employee must provide the written complaint to the Title IX Coordinator.

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

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Governing Board to provide the supportive measures.

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

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

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

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above and posted at www.ovesc.org.

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

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

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

Timeline

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

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

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

A. notice of the Board's grievance process, including any informal resolution processes;

B. notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

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

A. Would not constitute Sexual Harassment (as defined in this policy) even if proved;

B. Did not occur in the Governing Board's education program or activity; and/or

C. Did not occur against a person in the United States.

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

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

A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

B. The Respondent is no longer enrolled in the Governing Board or employed by the Governing Board; or

C. Specific circumstances prevent the Governing Board from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

Consolidation of Formal Complaints

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

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

Informal Resolution Process

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

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

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

A. the allegations;

B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and

C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

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

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

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

Investigation of a Formal Complaint of Sexual Harassment

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

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

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

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

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

A. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and

B. Have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Governing Board

may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Board Policy 2461 – Recording of Governing Board Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

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

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

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

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

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

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

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

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

The written determination will include the following content:

A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;

B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

C. Findings of fact supporting the determination;

D. Conclusions regarding the application of the applicable code of conduct to the facts;

E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Governing Board impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Governing Board's education program or activity should be provided by the Governing Board to the Complainant(s); and

F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

1. Writing assignments;

2. Changing of seating or location;

3. Pre-school, lunchtime, and/or after-school detention;

4. In-school discipline; and

5. Saturday school.

B. Formal Discipline

1. Suspension of bus riding/transportation privileges;

2. Removal from co-curricular and/or extra-curricular activity(ies), including athletics;

3. Emergency removal;

4. Suspension for up to ten (10) school days;

5. Expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;

6. Expulsion for up to one (1) year;

7. Permanent exclusion; and/or

8. Any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

A. Verbal or written warning;

B. Written reprimands;

C. Performance improvement plan;

D. Required counseling;

E. Required training or education;

F. Demotion;

G. Suspension with pay;

H. Suspension without pay; and/or

I. Termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

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

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

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

A. Verbal or written warning;

B. Suspension or termination/cancellation of the Governing Board's contract with the third-party vendor or contractor;

C. Mandatory monitoring of the third-party while on school property and/or while working/interacting with students;

D. Restriction/prohibition on the third-party's ability to be on school property; and

E. Any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

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

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

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

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

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

Appeal

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

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter; and

D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

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

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein,

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

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

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

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

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

The decision-maker(s) for the appeal shall determine when each party's written statement is due.

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

The written decision will be issued within five (5) days of when the parties' written statements were submitted.

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

Retaliation

Neither the Governing Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

Confidentiality

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

Application of the First Amendment

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

Training

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

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

B. The scope of the Governing Board's education program or activity;

C. How to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and

D. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

Recordkeeping

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

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

A. Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Governing Board's education program or activity;

B. Any appeal and the result therefrom;

C. Any informal resolution and the result therefrom; and

D. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

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

Outside Appointments, Dual Appointments, and Delegations

The Governing Board retains discretion to appoint suitably qualified persons who are not Governing Board employees to fulfill any function of the Governing Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Governing Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

Discretion in Application

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

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

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

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po1310

EMPLOYMENT OF THE TREASURER

1310 - **EMPLOYMENT OF THE TREASURER**

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

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

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

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

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DUTIES OF THE TREASURER

1320 - **DUTIES OF THE TREASURER**

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

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

The Governing Board expects that the Treasurer shall at all times:

A. demonstrate professionalism, integrity, accountability, and fiscal leadership;

B. collaborate with the Governing Board and the ESC's Superintendent/CEO in the achievement of ESC goals and priorities;

C. not cause or allow any ESC practice, activity, decision, or circumstance that is either imprudent, dishonest, unlawful or in violation of commonly accepted educational, management or professional ethics and practices;

D. pursuant to applicable laws and regulations and Governing Board policy, to make investments on interim and inactive funds;

E. pursuant to applicable laws and regulations and without further action by the Governing Board, pay bills within allocated appropriations as approved by the Governing Board;

F. transfer and advance monies among the accounts of any fund and between accounts of differing funds pursuant to applicable laws and regulations; and

G. maintain and expand programs, services, and opportunities.

Communication with the Governing Board

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

A. submit data to the Governing Board in a timely, accurate and understandable fashion, directly addressing the matter at issue and including the Superintendent's analysis and interpretations;

B. make the Governing Board aware of any actual or anticipated noncompliance with any of the Governing Board's policies, or applicable law, regardless of the Governing Board's meeting schedule;

C. provide the Governing Board with decision information required periodically by the Governing Board and make the Governing Board aware of relevant events or trends;

D. present information to the Governing Board in a concise and useable form;

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

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po1330

EVALUATION OF THE TREASURER

1330 - **EVALUATION OF THE TREASURER**

The performance of the Treasurer shall be monitored systematically.

Performance Monitoring

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

A. determine the degree to which the Governing Board's expectations and the Treasurer's annual performance goals are being met; and

B. provide the opportunity for dialogue between the Governing Board and the Treasurer on performance-related matters.

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

A. by Treasurer report, in which the Treasurer reports information and documents performance-related matters to the Governing Board;

B. by external verification, in which an external, disinterested third party selected by the Governing Board assesses performance and compliance with Governing Board polices; or

C. by direct Governing Board evaluation, in which the Governing Board assesses performance and compliance with the Governing Board's policies.

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

Annual Performance Evaluation

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

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

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

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

B. the Governing Board's consensus conclusions whether or not each Global Expectation has been achieved or reasonable progress has been made towards its achievement; and

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

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

Development of Evaluation Procedures

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

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

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

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NON-REEMPLOYMENT OF THE TREASURER

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

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

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

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

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po1350

INCAPACITY OF THE TREASURER

1350 - **INCAPACITY OF THE TREASURER**

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

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po1400

JOB DESCRIPTIONS

1400 - **JOB DESCRIPTIONS**

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

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WHISTLEBLOWER PROTECTION

1411 - **WHISTLEBLOWER PROTECTION**

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

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

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

In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud. This reporting

mechanism may be used either in addition to or instead of filing a written report with the employee's supervisor or other ESC authority.

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SEVERANCE

1415 - **SEVERANCE**

Treasurer

Pursuant to R.C. 124.39(C), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for the Treasurer. Specifically, the Treasurer shall, upon separation from service with the Governing Board for any reason other than termination for cause, be paid one-fourth (.25) of the value of the Treasurer's accrued but unused sick leave up to a maximum of 240 days.

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

This policy shall become null and void effective August 1, 2029, with respect to the Treasurer at which date the Treasurer shall receive severance in accordance with the Superintendent, Administrators, Teachers, and Non-Teaching Employees in this policy unless this policy is otherwise amended or repealed.

Payment of severance shall eliminate all obligations of the Governing Board from any further payment or restoration of sick leave unused.

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

of Ohio.

Superintendent

Pursuant to R.C. 124.39(C), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for the Superintendent with five (5) or more years of service with the Governing Board. Specifically, the Superintendent covered under either R.C. 124.38 and/or R.C. 3319.141, who qualifies and accepts retirement benefits under STRS/SERS and has five (5) or more years of service with the Governing Board, shall qualify for a one-time severance payment. The severance payment shall be in the amount of one-fourth (.25) of the value of the employee's accrued but unused sick leave up to a maximum of forty-five (45) days times the calculated daily rate.

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

This policy shall become null and void effective August 1, 2025, with respect to the Superintendent at which date the Superintendent shall receive severance in accordance with the Treasurer, Administrators, Teachers, and Non-Teaching Employees in this policy unless this policy is otherwise amended or repealed.

Payment of severance shall eliminate all obligations of the Governing Board from any further payment or restoration of sick leave unused.

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

Administrators

Pursuant to R.C. 124.39(C), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for Administrators with five (5) or more years of service with the Governing Board. Specifically, Administrators covered under either R.C. 124.38 and/or R.C. 3319.141, who qualify and accept retirement benefits under STRS/SERS and have five (5) or more years of service with the Governing Board, shall qualify for a one-time severance payment. The severance payment shall be in the amount of one-fourth (.25) of the value of the employee's accrued but unused sick leave up to a maximum of forty-five (45) days times the calculated daily rate.

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

Payment of severance shall eliminate all obligations of the Governing Board from any further payment or restoration of sick leave unused.

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

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po1416

"PICK-UP ON THE PICK-UP" PLAN

1416 - **“PICK-UP ON THE PICK-UP" PLAN**

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

This “pick-up on the pick-up” plan shall only apply to the following class of employees:

A. STRS the Superintendent; and

B. SERS the Treasurer.

For the above class of employees:

A. The Governing Board shall pay the employee’s entire share of the employee/member contribution of any and all STRS/SERS contributions as required by the laws of the State of Ohio;

B. Payment of the entire employee/member STRS/SERS contribution by the Governing Board shall be considered as compensation to the employee;

C. Payment of the employee’s entire employee/member STRS/SERS contribution by the Governing Board shall be considered in the employee’s salary for STRS/SERS retirement purposes;

D. The “pick-up on the pick-up” plan shall be a mandatory condition of employment; and

E. The employee is prohibited from opting out of the “pick-up on the pick-up” plan

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po1422

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

1422 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

NONDISCRIMINATION

The Governing Board (hereinafter referred to as "the Board" or "the Center") does not discriminate based on a person's Protected Class(es) in its education programs or activities and does not tolerate unlawful harassment. Protected Classes (which may also be referred to as Protected Categories) include race, color, national origin, sex (including pregnancy, childbirth, and related conditions), disability, age, religion, military status, ancestry, genetic information, or any other legally protected characteristics. The Board is an equal opportunity employer.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all Center operations, and this policy applies to Prohibited Conduct occurring within or as a part of the Center's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct ongoing remedies as reasonably necessary to restore or preserve access to the Center's education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

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

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work

environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, argument, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means:

A. an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

B. a person other than an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the Center's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the Center that objectively can be understood as a request for the Center to investigate and make a determination about alleged Prohibited Conduct.

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

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refers to: all the Center's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and

outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the Center asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

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

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person's disability, and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets,

harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

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

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

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching and obscene gestures).

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

c. Rape, sexual assault, or other acts of sexual violence.

d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment; asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish that a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes 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 further 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.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. “Related medical conditions” are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board’s grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the Center identifies as having had their equal access to the Center’s education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person’s access to the Center’s education program or activity after the Center determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the Center, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the Center’s education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or

State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

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

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the Center's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Center's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Third Parties means: guests and/or visitors on Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Center community at school-related events/activities (whether on or off Center property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the Center undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

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

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

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

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

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

The Center offers health services. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board.

Center Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "Center Compliance Officer(s)" or "CO(s)"):

Special Needs/Student Services Consultant
Ohio Valley Educational Service Center
Marietta Office
2333 B State Route 821
Marietta, OH 45750
(740) 373-6669

Executive Director of Operations and Special Projects
Ohio Valley Educational Service Center
Cambridge Office
128 East 8th Street
Cambridge, OH 43725
(740) 439-3558

The Center Compliance Officer may delegate specific duties to one (1) or more designees.

The contact information concerning the Center Compliance Officer(s) will be published on the Center's website.

The Center Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to the Board President until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the Center Compliance Officer(s).

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

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the Center community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the Center’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the Center’s website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons

listed above, or which are otherwise used in connection with the recruitment of employees.

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Center to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the Center's education programs or activities (i.e., members of the Center community and third parties), or by the CO, alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct, unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievance procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the Center investigate and determine whether Prohibited Conduct occurred:

A. A "complainant," which includes:

1. an employee of the Center who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

2. a person other than an employee of the Center who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the Center's education programs or activities;

B. An authorized legal representative with the legal right to act on behalf of a complainant;

C. Center Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the Center; or

B. any person other than an employee who was participating or attempting to participate in the Center's education programs or activities at the time of the alleged Prohibited Conduct.

The Center may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the Center's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Ohio Civil Rights

Commission at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The Center will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the Center Compliance Officer, the investigator, the decisionmaker, and the appeal decisionmaker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent.

The CO may serve simultaneously as an investigator and/or a decisionmaker.

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall, in consultation with and approval of the Superintendent or Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The Center presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The Center Compliance Officer will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant

and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20) days of the CO determining the charges require investigation.

If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties and the Superintendent and will thereafter keep the partiesand the Superintendentinformed of the status of the matter on a regularbasis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint, or the Determination,must do so within five (5)days of receiving the Dismissal or Determination.

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The Center will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the Center to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Center obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the Center Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the Center is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the Center's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all of the allegations in the complaint, the CO declines to initiate a complaint, and the Center determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the Center determines that the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the Center's education programs or activities.

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The Center will not offer an informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the Center decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The Center will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the Center — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence

for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred.

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the Center identifies as having had equal access to the Center's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the Center's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The Superintendent shall serve as the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator/decisionmaker or informal resolution process facilitator) and is appropriately trained. If the Superintendent is not eligible to serve as the appeal decisionmaker, the CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe, in detail, the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not

otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record, read in its entirety, compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

The appeal decisionmaker's decision shall be final.

Supportive Measures:

The Center will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the Center's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the Center's provision of support measures does not require the Center, Board employees, or any other person authorized to provide aid, benefit, or service on the Center's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to, modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the Center's educational environment, or to

provide support during the Board's grievance procedures or the informal resolution process.

The Center will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the Center may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The Center will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the Center's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the Center may impose disciplinary sanctions, which may include:

A. oral or written warning;

B. written reprimands;

C. required counseling;

D. required training or education;

E. demotion;

F. suspension with pay;

G. suspension without pay;

H. termination; and

I. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The Center may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Ohio Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a Code of Conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The Center shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

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

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

Privacy/Confidentiality

The Center will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. The Center will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Center’s obligation to maintain confidentiality shall not impair or otherwise affect the complainant’s and respondent’s receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the Center Community or third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action, up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

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

Application of the First Amendment

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

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the Center Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Recordkeeping (Including Retention of Investigatory Records and Materials)

The Center Compliance Officer(s) is/are responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with

conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the Center's records retention schedule.

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

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed, and the resulting outcome;

B. for each notification that the Center Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the Center took to implement this policy; and

C. all materials used to provide the training referenced above.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, Center Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Center Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the Center Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

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

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

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

Revised 12/18/25
T.C. 3/26/26

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po1422.01

DRUG-FREE WORKPLACE

1422.01 - **DRUG-FREE WORKPLACE**

The Governing Board believes that quality education is not possible in an environment affected by drugs. It shall seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Governing Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the ESC's professional staff at any time while on ESC property or while involved in any ESC-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action.

Ohio Valley Educational Service Center

po1430.02

LEAVE OF ABSENCE FOR EMPLOYMENT BY A COMMUNITY SCHOOL

1430.02 - **LEAVE OF ABSENCE FOR EMPLOYMENT BY A COMMUNITY SCHOOL**

An administrator, who is employed by the Governing Board and is seeking to be employed by a conversion or new start-up community school sponsored by the Governing Board, shall be provided with a leave of absence from the ESC of up to three (3) years for service in the community school.

Upon request of the administrator, additional leave may be granted at the discretion of the Governing Board.

To maintain eligibility for this leave, the administrator shall be continuously employed by the community school during the leave of absence.

Eligibility for Benefits while on Leave of Absence

During the leave of absence, an administrator shall remain eligible for the insurance benefits that are provided to regularly employed staff members, as well as STRS benefits, provided such staff member pays the entire cost associated with such benefits.

A staff member shall not be permitted to accrue personal leave or vacation leave for use as an employee of the Governing Board while s/he is on a leave of absence.

A staff member who is employed by a conversion community school shall be permitted to use any and all sick leave which was accrued during the staff member's employment with the Governing Board prior to his/her leave of absence for sick leave in accordance with applicable laws and regulations. If a staff member uses his/her accrued sick leave while working with the conversion community school under this Policy, the costs of the staff member's salary paid by the community school shall be reported to the State Department of Education. The cost of employing a substitute while the staff member is on sick leave shall be paid by the community school.

Return to Employment in the ESC

When the leave of absence period has expired or at such time when the administrator has been discharged from his/her employment with the community school, the administrator shall be entitled to return to employment with the Governing Board. Upon the administrator's return to employment, any and all applicable seniority shall be calculated to include all employment by the:

A. Governing Board prior to leave of absence;

B. community school during the leave of absence; and

C. Governing Board after the leave of absence.

The staff member shall also be restored to his/her previous position and salary or to a similar position and salary, provided that the staff member possesses valid certification/licensure.

The right to return to employment in the ESC does not apply to those staff members whose employment with the community school was terminated for a reason for which the Governing Board would have sought to terminate the administrator in accordance with applicable laws and regulations; in which event the Governing Board may proceed to terminate the staff member's employment in accordance with the procedures set forth in applicable laws and regulations.

Reduction in Force

If the Governing Board reduces the number of teachers it employs as a result of the return of an administrator(s), the Governing Board shall make the necessary reductions in accordance with the Governing Board's Administrative Suspension Policy.

Liability of Governing Board

The Governing Board is not liable for any action of a staff member while s/he is on a leave of absence and employed by a community school.

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po1432

SICK LEAVE

1432 - **SICK LEAVE**

Superintendent, Treasurer, and Administrators

The Superintendent, Treasurer, and all full-time Administrators shall be granted sick leave at the rate of one and one-fourth (1.25) days per month in accordance with R.C. 124.38 and R.C. 3319.141 as applicable. Employees who work less than full-time shall be granted sick leave for the time actually worked at the rate of one and one-fourth (1.25) days per month. Employees who work full-time or part-time shall receive the following number of sick days per month:

Days Scheduled to Be Worked per Week	**Sick Days Received**
5 days (full-time)	1.25 days
4 days	1.00 day
3 days	0.75 day
2 days	0.50 day
1 day	0.25 day

Sick leave must be taken in increments of one-half (.5) or one (1) whole day.

Sick leave may be used for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. For absence of the employee due to illness or injury in the immediate family, immediate family is defined as spouse, child, parent, brother, sister, grandparents, and grandchildren. (“Child”

includes biological, adopted, foster, and step-children as well as legal wards and children to whom the employee is acting “in loco parentis.”)

For the absence of the employee due to the death in the immediate family, immediate family is defined as parent, spouse, child, brother, sister, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, and any other relative of the employee as approved by the Superintendent or the Governing Board. The exact number of days granted shall be determined by the familial relationship and the circumstances surrounding the death, but more than three (3) consecutive days require the Superintendent’s or the Governing Board’s approval.

Newly hired Superintendent, Treasurer, and full-time Administrators may be advanced five (5) sick leave days if requested, provided that all accumulated sick leave has been exhausted. In cases where sick leave is advanced, the Governing Board shall make a deduction for the unearned, advanced sick leave days from the final pay of the individual for that contract year.

In all absences, the employee must fill out a report of absence form and file it with the Superintendent, Superintendent’s designee, or the Governing Board in order to be compensated. For absences of five (5) consecutive days or more, the employee must submit with the report of absence form a statement from the treating physician documenting the need for sick leave.

Unused sick leave shall be cumulative up to a maximum of 240 days.

New employees of the Governing Board who have previously been employed by a public agency not more than ten (10) years prior to their employment with the Governing Board and who have accrued sick leave balances under R.C. 124.38 and/or R.C. 3319.141 shall receive a credit for their existing balances up to 240 days.

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po1433

VACATION

1433 - **VACATION**

Superintendent

The Superintendent, Treasurer, and Assistant Superintendents shall be entitled to accrue thirty (30) days of paid vacation leave during each contract year (i.e., August 1 to July 31). Unused vacation leave may be carried over from one contract year to another up to a maximum of sixty (60) vacation days.

This policy shall become null and void effective August 1, 2025, with respect to the Superintendent at which date the Superintendent shall not receive any vacation leave unless this policy is otherwise amended or repealed.

Treasurer

The Treasurer shall be entitled to accrue thirty (30) days of paid vacation leave during each contract year (i.e., August 1 to July 31). Unused vacation leave may be carried over from one contract year to another up to a total of ninety (90) vacation days. The Treasurer does not need to request vacation leave.

This policy shall become null and void effective August 1, 2029, with respect to the Treasurer at which date the Treasurer shall not receive any vacation leave unless this policy is otherwise amended or repealed.

Administrators

Administrators who are employed at least two hundred forty (240) days per school year (i.e., July 1 to June 30) and have completed one (1) full month of employment are entitled to paid vacation leave at the rate of 1.67 days per month (20 days per year).

Vacation days may be accumulated up to a maximum of thirty (30) days.

Upon separation from employment, employees are entitled to payment for up to twenty-five (25) unused vacation leave at the prorated portion of the current year as required under Ohio law.

Employees requesting leave must submit the request for such leave to their immediate supervisor at least two (2) weeks in advance of the week or weeks in which the vacation leave is requested, unless otherwise approved by the Superintendent or Superintendent's designee.

Vacation must be taken in increments of one-half (.5) or one (1) whole day.

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po1436

PERSONAL LEAVE

1436 - **PERSONAL LEAVE**

Superintendent, Treasurer, and Administrators

The Superintendent, Treasurer, and all Administrators who are scheduled to work for 120 or more days regardless of number of hours/days are entitled to up to three (3) days per year of paid personal leave, starting July 1 of each year, for the purpose of fulfilling legal or personal business that conflicts with the employee's regular work schedule. Personal leave must be taken in increments of one-half (.5) or one (1) whole day.

The Superintendent, the Treasurer, and all Administrators are entitled to the following number of personal days according to the following start date of employment:

July, August, September – 3 days
October, November, December – 2 days
January, February, March – 1 day
April, May, June – 0 days

Unless otherwise approved by the Superintendent or designee, personal leave must be requested, in writing, at least five (5) calendar days in advance of the requested leave, except in the case of emergencies, and approved by the Superintendent or designee. Neither the Superintendent nor the Treasurer is required to request personal leave.

Effective July 1, 2019, personal leave shall not accumulate and must be used by June 30 of the contract year or it shall be converted to sick leave.

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po1439

HOLIDAY

1439 - **HOLIDAY**

Treasurer

The Treasurer shall be entitled to eight (8) of the paid holidays outlined under R.C. 3319.087.

This policy shall become null and void effective August 1, 2029, with respect to the Treasurer at which date the Treasurer shall not receive any paid holidays unless this policy is otherwise amended or repealed.

Superintendent and Administrators

The Superintendent and Administrators shall not be entitled to paid holidays.

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po1440

JOB-RELATED EXPENSES

1440 - **JOB-RELATED EXPENSES**

The Governing Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any staff member of the ESC incurred in the course of performing services for the ESC, whether within or outside the ESC, under the direction of the Board.

The validity of payments for job-related expenses shall be determined by the Superintendent. Pre-approval for estimated travel expenses by the Treasurer is required.

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

The Board may only make expenditures of public funds if the expenditure is for a valid public purpose. Expenditures are for a valid public purpose if the expenditure is required for the general good of all ESC inhabitants. Second, the primary objective of the expenditure must be to further a public purpose, even if an incidental private end is advanced.

The expenditure of public funds for alcoholic beverages is not a proper public purpose. Therefore, neither Board members nor ESC staff will be reimbursed for alcoholic beverages.

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

When attending conferences or events where a meal is provided in the cost of registration, no reimbursement will be given for that meal, period. Staff are encouraged to consume the meal provided as no other reimbursement shall be made.

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

Further, the Auditor of State has concluded that if prior authorization has been given for an expense, the Auditor will not question an expense reimbursement in the course of an audit for coffee, meals, refreshments or other amenities unless there is a clear indication that the reimbursement is arbitrary or incorrect. For this reason, the Governing Board establishes the following expense reimbursement limits. The Governing Board will reimburse up to $50 per day for allowable meals (including gratuities) or as approved or deemed appropriate by the Superintendent. **An itemized receipt must be submitted with the request for reimbursement for the request to be considered.** When traveling on school business, an employee is expected to use the same care in incurring expenses as a prudent person would on personal business.

The Board will reimburse for lodging up to $175 per day or at a reasonable per diem rate as deemed appropriate by the Superintendent.

The Board shall reimburse employees engaged in ESC business for driving a personally-owned vehicle at the current I.R.S. rate.

Accrual and use of frequent flyer miles, credit card rewards, hotel points, or other rewards earned during official business in their personal life is permitted, provided that these rewards are earned the same way as members of the public would earn them; and they do not impose additional costs to the Center. Such accrual and use shall be in accordance with Policy 6465 - Public Office Award Program.

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

Ohio Valley Educational Service Center

po1461

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

1461 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

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

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

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

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

As required by Federal law and regulation and Governing Board Policy, the Superintendent shall direct the provider designated by the Governing Board to conduct

the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

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

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

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

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po1462

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

1462 - **DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS**

The Governing Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Governing Board-owned and/or operated ("Governing Board-owned") vehicles shall be mentally and physically alert at all times while on duty. To that end, the Governing Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidance associated with the policy, the following definitions shall apply.

A. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful pursuant to all applicable laws and regulations.

B. The term controlled substance includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.

C. The term controlled substance abuse includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed

manner, or in the prescribed quantity.

D. The term safety-sensitive functions includes all tasks associated with the operation and maintenance of Governing Board-owned vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

E. The term CDL license holder means all regular and substitute bus drivers, other staff members who may drive students in Governing Board-owned vehicles or inspect, repair, and maintain Governing Board-owned vehicles.

F. The term while on duty means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Governing Board expects all CDL license holders to comply with all drug free policies which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on ESC property at all times. Further, the Governing Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Governing Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in the staff member's system as well as for the presence of the following controlled substances:

A. Marijuana;

B. Cocaine;

C. Opioids;

D. Amphetamines; and

E. Phencyclidine ("PCP").

The drug tests are to be conducted in accordance with all applicable laws and regulations prior to employment, for reasonable suspicion, upon return to duty after any alcohol or drug rehabilitation, post-accident, on a random basis, and on a follow-up basis. Candidates shall also be tested for the presence of alcohol in their system prior to employment.

Any staff member who tests positive shall immediately be prohibited from performing or continuing to perform the staff member's safety-sensitive functions (e.g., driving any Governing Board-owned vehicle) and be referred to the ESC's Employee Assistance Program.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

A. the test will be considered positive, and the employee shall be prohibited from driving any school vehicle and be referred to the ESC's Employee Assistance Program; and

B. the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform the staff member's safety-sensitive functions (e.g., driving any Governing Board-owned vehicle).

Staff member who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Governing Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Governing Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

If a staff member admits to failing a previous drug or alcohol test, or has refused to test, the staff member will not be permitted to perform safety-sensitive functions until completing the return-to-duty process.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

A. reports for duty or performs work while having an alcohol concentration of 0.04 or greater or performs safety-sensitive functions within four (4) hours after using alcohol;

B. reports for duty or performs work while testing positive for using a controlled substance, or while being under the influence of a controlled substance;

C. refuses to disclose any therapeutic drug use or submit to drug and/or alcohol testing;

D. alters or attempts to alter or unduly influence alcohol and/or drug testing results; and/or

E. fails to remain readily available for post-accident testing (including refraining from the use of alcohol for eight (8) hours following the accident or until undergoing a post-accident alcohol test, whichever occurs first, and notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care).

Prior to the beginning of the testing program, the Governing Board shall provide a drug-free awareness program which will inform each CDL license holder about:

A. the dangers of illegal drug use and controlled substance and alcohol abuse;

B. Drug-Free Workplace, Unrequested Leaves of Absence/Fitness for Duty, Substance Abuse, and Employee Assistance Program policies; and

C. the sanctions that may be imposed for violations of any drug free policy.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Governing Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Governing Board shall not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Federal law (i.e., test results shall be provided on a right to know basis – the employee, the employer, and the substance abuse professional – and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to the individual's use of drugs and alcohol, including any records pertaining to the individual's drug and alcohol tests. A tested individual shall provide specific written consent before the individual's result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Governing Board approval, a contract with a certified laboratory to provide the following services:

A. testing of all first and second test urine samples;

B. clear and consistent communication with the Governing Board's Medical Review Officer ("MRO");

C. methodology and procedures for conducting random tests for controlled substances and alcohol; and

D. preparation and submission of all required reports to the Governing Board, the MRO, and to Federal and State governments.

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the ESC's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made (1) by the end of the business day following the day the individual first receives notice of the violation or (2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Governing Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials that discuss the employer's policies and procedures with respect to post-accident information and positive test results, among other things, at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Governing Board's policies and ESC's procedures with respect to meeting these Federal regulations. The Governing Board designates the Superintendent as the individual responsible for providing educational materials to CDL License Holders and

other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

A. the contact information for the Superintendent, who is the individual designated by the Governing Board to answer questions about the educational materials;

B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances;

C. information sufficient to make clear to employees the period of the workday during which they are required to comply with the regulations;

D. information concerning prohibited conduct;

E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances;

F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee including post-accident information, procedures, and instructions required under Federal regulations;

G. the requirement that staff members shall submit to alcohol and controlled substance testing as required by the regulations;

H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences;

I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral,

evaluation, and treatment;

J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04;

K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when a controlled substance and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and

L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter Each staff member will receive a copy of the educational materials and must sign a statement certifying receipt of such materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee shall receive written notice of the availability of this information, and the identity of the Governing Board's designated representative in charge of answering questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy shall take and pass a return-to-duty test before returning to performing

safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional ("SAP") has determined that the employee has successfully complied with prescribed education and/or treatment. The employee shall have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Employees who are eligible to return to performing safety-sensitive functions may not do so without the prior approval of the Superintendent.

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po1470

SUBSTANCE ABUSE

1470 - **SUBSTANCE ABUSE**

The Governing Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of an employee. When appropriate, the Governing Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

An employee having an illness or other problem relating to the use of alcohol or other drugs including controlled substances, medications not prescribed by the employee's physician, or medications not taken as prescribed, shall receive the same careful consideration and offer of assistance that is presently extended to an employee having any other illness.

The responsibility to correct unsatisfactory job performance, attendance or behavioral problems resulting from a suspected health problem rests with the employee. Additionally, regardless of whether an employee has an illness or other problem relating to the use of alcohol or other drugs it remains the responsibility of the employee to report to work and perform the employee's duties in a fit and appropriate condition at all times. Being under the influence of alcohol or other drugs while on duty, on ESC property, or at an ESC related activity/event is not acceptable. Failure to correct unsatisfactory job performance, attendance or behavior and/or working or reporting to work under the influence of alcohol or other drugs for whatever reason, shall result in appropriate corrective or disciplinary action as determined by the Governing Board, up to and including termination.

If an employee sustains a workplace injury while the employee is under the influence of alcohol or a controlled substance not prescribed by the employee's physician, the employee may be disqualified for compensation and benefits under the Workers Compensation Act. If the employee tests positive or refuses to submit to a test for

alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption). Notice advising employees that the results of, or the employee's refusal to submit to an alcohol or other drug test may affect an employee's right to receive workers' compensation benefits.

If an employee voluntarily requests counseling or assistance before the Governing Board learns of the employee's substance abuse problem (through a positive test result or otherwise), the employee's job security or promotion opportunities shall not be jeopardized by the employee's request for counseling or referral assistance. An employee may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Employees who suspect they may have an alcoholism or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

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po1481

USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES

1481 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES**

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

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

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

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po1520

EMPLOYMENT OF ADMINISTRATORS

1520 - **EMPLOYMENT OF ADMINISTRATORS**

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

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

As a prerequisite to employee pay, the Superintendent must first issue to the Treasurer a written statement that confirms each administrator has filed with the Superintendent both a copy of all valid licenses as well as copies of any reports required by the State Board of Education or the Governing Board to demonstrate the administrator's qualification to assume an educational administrator position. No administrator employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the position has been received by the Superintendent and transmitted to the Treasurer.

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po1530

EVALUATION OF PRINCIPALS AND OTHER ADMINISTRATORS

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

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

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po1530.01

NON-REEMPLOYMENT OF AN ADMINISTRATOR

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

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

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

Ohio Valley Educational Service Center

po1540

SUSPENSION OF ADMINISTRATIVE CONTRACTS

1540 - **SUSPENSION OF ADMINISTRATIVE CONTRACTS**

This policy shall govern the suspension of all contracts of R.C. 3319.02 administrators and was adopted with input from the ESC's administrative staff from January 13, 2020, through February 3, 2020.

The Governing Board may consider one or more of the following reasons in suspending any contract of employment entered into under R.C. 3319.02:

A. the financial conditions of the ESC;

B. the financial conditions of one or more school districts and/or clients for which the ESC provides services to;

C. any financial reasons;

D. the return to duty of one or more administrators after a leave of absence;

E. the suspension of one or more schools and/or programs in one or more school districts and/or clients for which the ESC provides services to;

F. the suspension of one or more schools and/or programs offered by the Governing Board;

G. any territorial changes affecting one or more school districts and/or clients for which the ESC provides services to;

H. any territorial changes affecting the ESC;

I. the termination of one or more alignment agreements;

J. any decreased enrollment of pupils in the schools and/or programs in one or more school districts and/or clients for which the ESC provides services to;

K. in the case of the Governing Board providing any particular service directly to pupils pursuant to one or more interdistrict contracts, service agreements, and/or contracts requiring such service; reduction in the total number of pupils the Governing Board is required to provide with the service under all interdistrict contracts, service agreements, and/or contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts, service agreements, and/or contracts;

L. in the case of the Governing Board providing any particular service that it does not provide directly to pupils pursuant to one or more interdistrict contracts, service agreements, and/or contracts requiring such service; reduction in the total level of the service the Governing Board is required to provide under all interdistrict contracts, service agreements, and/or contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts, service agreements, and/or contracts;

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

N. any reorganization and/or consolidation of administrative functions.

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

A. If it is necessary to achieve a reduction in the administrative staff, the Governing Board may proceed to suspend contracts in accordance with the recommendation of the Superintendent within the employment service areas affected. The Governing Board shall not be required to give preference to any administrator based on seniority. The Governing Board shall not be required to give preference to any administrator based upon comparable evaluations. Given that administrative positions are not interchangeable, the primary factor in any reduction of administrators shall be the best interest of the ESC as determined solely by the Governing Board.

B. On a case-by-case basis, in lieu of suspending a contract in whole, the Governing Board may suspend a contract in part, so that an individual is required to work a percentage of the time the administrator otherwise is required to work under the contract and receives a commensurate percentage of the full compensation the employee otherwise would receive under the contract.

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

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

An administrator may be notified of a recall by regular mail and/or electronic mail and shall accept, in writing, the employment within fourteen (14) calendar days after the recall notice was sent by the ESC to the administrator. It is the administrator's

responsibility to maintain a current personal mailing address and personal electronic mail address with the Governing Board.

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

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po1541

TERMINATION AND RESIGNATION

1541 - **TERMINATION AND RESIGNATION**

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

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

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po1613

STUDENT SUPERVISION AND WELFARE

1613 - **STUDENT SUPERVISION AND WELFARE**

Administrators shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

A. Each administrator shall report immediately to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation the administrator detects.

B. Each administrator shall immediately report to the Superintendent any knowledge of threats or violence by or to students.

C. An administrator shall not send students on any personal errands.

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

E. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the Center or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law. Consistent with State law, the staff member shall promptly notify the Principal of any such communications with a student so the Principal can determine whether a notice needs to be provided to the student's parent pursuant to R.C. 3313.473 and Policy 5780.01 - Parents' Bill of Rights.

F. An administrator shall not transport students in a private vehicle without the approval of the Superintendent.

G. A student shall not be required to perform work or services that may be detrimental to the student's health.

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

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

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

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

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po1615

TOBACCO USE PREVENTION

1615 - **TOBACCO USE PREVENTION**

The Governing Board is committed to providing students, staff, and visitors with a tobacco, nicotine, vapor/aerosol, and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, including the effects of secondhand smoke and vapor/aerosol exposure, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of administrators and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, or tobacco substitutes, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, or nicotine (including synthetic nicotine), in addition to papers used to roll cigarettes and/or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, and any other smoking devices for burning tobacco or any other substances.

The term “tobacco” includes any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah; but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

The Governing Board prohibits the use of tobacco or tobacco substitute products by employees at all times within any enclosed facility owned, leased, or contracted for by the Governing Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, any school-related event, and in designated areas as defined in statute and by Ohio's Smoke-Free Workplace Program.

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po1616

STAFF DRESS AND GROOMING

1616 - **STAFF DRESS AND GROOMING**

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

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

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their professional responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to ESC property; and

E. be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

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po1617

WEAPONS

1617 - **WEAPONS**

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

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

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

Exceptions to this policy include:

A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement

agents, and weapons carried by security personnel employed by the Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;

B. handguns in the possession of an individual who has been issued a concealed handgun license that is valid at the time of conveyance or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;

C. weapons carried by other qualified individuals who receive written authorization by the Board as summarized below:

Qualified Individuals with Written Authorization to Carry Weapons

Individuals who are not hired to serve as special police officers or security guards, or to serve in similar law enforcement or security positions, may receive written authorization from the Board to carry weapons onto school property if they meet the following requirements:

1. the individuals have successfully completed the curriculum and training required under State law, or alternatively have received a certificate of satisfactory completion of an approved basic peace officer training program, or are a law enforcement officer; and

2. the individual submits to an annual criminal background check.

Qualified individuals who have not completed the peace officer training program must complete initial training of up to twenty-four (24) hours, as well as annual requalification training of up to eight (8) hours, which is developed and provided by the Department of Public Safety's Mobile Training Team ("MTT"). In addition to the training required under State law, the Board may require further training for individuals to become or remain eligible. Individuals must fulfill any other requirements adopted by the Department of Public Safety as well. The Board will pay all fees associated with any required training. As an alternative to requiring a designated individual to complete training provided by the MTT, the Board has the authority to develop and adopt alternate curriculum, instruction, and training that follows the private investigator and security guard firearms training

guidelines. Alternate curriculum and training will be submitted and approved in advance by the Ohio School Safety and Crisis Center ("OSSCC").

D. objects indistinguishable from a firearm used during school safety trainings;

E. items indistinguishable from a firearm approved by a principal as part of a class or individual presentation under adult supervision if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);

F. theatrical props used in appropriate settings;

G. starter pistols used in appropriate sporting events.

The Board will notify the public, using the Board's regular channels of public communication, that it has authorized one (1) or more persons to go armed within a school operated by the Board when such authorization is granted. The Board will also submit a current list of qualified individuals who have received written authorization to carry weapons to the OSSCC which is within the Department of Public Safety. Records pertaining to individuals authorized to carry weapons onto school property do not constitute public records.

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

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

"Unless otherwise authorized by law, pursuant to R.C. 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."

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

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po1619.02

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

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

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

A. Dental Plan; and

B. Vision Plan.

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

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

A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan shall retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Fully insured group health plans established by the Governing Board shall not create or receive protected health information, except for summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

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

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po1623

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

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

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

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

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

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

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

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

ESC Compliance Officer

The following persons are designated as the ESC Section 504 Compliance Officer/ADA Coordinator ("ESC Compliance Officer"):

Special Needs/Student Services Consultant Ohio Valley Educational Service Center Marietta Office 2333 B State Route 821 Marietta, OH 45750 (740) 373-6669 Executive Director of Operations and Special Projects Ohio Valley Educational Service Center Cambridge Office 128 East 8th Street Cambridge, OH 43725 (740) 439-3558

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

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

Training

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

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

Facilities

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

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

Notice

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

Complaint Procedures

If a person believes that they have been discriminated against on the basis of their 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.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

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 with a Center Compliance Officer within the time limits specified below. The Center's Compliance Officer is available to assist individuals in filing a complaint.

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

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. 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. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with a Center Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with a Center Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the Center Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the Center Compliance Officer for good cause.

C. The Center Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). 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. The Center Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The Center Compliance Officer shall maintain the Center's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a decision within ten (10) days of the hearing.

E. The employee may be represented, at the employee's own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have been subjected to discrimination based upon their disability in violation of Section 504 or the 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
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Retaliation

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

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

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

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

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FMLA LEAVE

1630.01 - **FMLA LEAVE**

Qualifying Reasons for FMLA and Military Family Leave

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

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's placement;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). The term "covered active duty" or "call to covered active duty status" for purposes of Qualified Exigency Leave means duty for a member of the Regular

Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). For purposes of Military Caregiver Leave, the covered service member may be a (1) current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Eligible Employees

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

Twelve (12) Month Period

Twelve (12) month period is defined as a "rolling" 12-month period measured backward – i.e., 12-month period measured backward from the date an employee uses any FMLA leave. Under the "rolling" 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Serious Health Condition

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

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: (1) "incapacity and treatment;" (2) any incapacity related to pregnancy, or for prenatal care; (3) any incapacity experienced by an expectant mother or treatment for such incapacity due to a chronic serious health condition; (4) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease); or (5) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a

provider of healthcare services under orders of, or on referral by, a healthcare provider for (a) restorative surgery after an accident or (b) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g. physical therapist) under (a) orders of, or on referral by a healthcare provider or (b) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the healthcare provider.

    a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit shall take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

    b. Regimen of continuing treatment includes a course of prescription medication (e.g., antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen).

    c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare

provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: (a) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member shall be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced

schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e., individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave shall elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

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

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

Staff Member Notice Requirements

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

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

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the ESC has previously provided the staff member FMLA-protected leave, the staff member shall specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

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

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

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

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

ESC Notice Requirements

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

When a staff member requests FMLA leave or the ESC acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent shall attach any medical certification that may be required, and a copy of the employee's essential job functions. If the Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent shall state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it shall be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent shall notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

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

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

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

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

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

Limits on FMLA When Both Spouses are employed by the Governing Board

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

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

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

Certification

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

A. submit the completed medical certification to the Superintendent; or

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

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

When the need for FMLA leave is foreseeable and at least thirty (30) day notice has been provided, the staff member shall provide the medical certification before the leave begins. When this is not possible, the employee shall provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

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

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent;

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

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

Recertification

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

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

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

The Governing Board authorizes its healthcare provider, human resource professional, leave administrator, and/or management official – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e., medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

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

Job Restoration & Maintenance of Health Benefits

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

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

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

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

leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

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

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

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

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

The Superintendent shall verify that the policy is posted properly.

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

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po1662.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

1662.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

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

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

Ohio Valley Educational Service Center

po1662.02

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

1662.02 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

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

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

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

Harassment, intimidation, or bullying means:

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

B. sexual violence, stalking, and violence within a dating relationship.

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

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

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

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

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

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

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

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

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

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal, program manager or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected

Class, the Principal or program manager shall report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officer so that it may be investigated in accordance with the procedures set forth in Governing Board Policy 5517 - Anti-Harassment.

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

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

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

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

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

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

Complaints

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal or program manager for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal complaints or anonymous complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal complaint or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the

school staff member and/or administrator to the building principal or program manager for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

Privacy/Confidentiality

The ESC shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Governing Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy shall be maintained as confidential to the extent permitted by law.

Reporting Requirement

At least semi-annually, the Superintendent shall provide to the President of the Governing Board a written summary of all reported incidents and post the summary on

the ESC web site, (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse shall be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. ESC personnel shall cooperate with investigations by such agencies.

Immunity

An ESC employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, or bullying.

Notification

Notice of this policy shall be annually circulated to and posted in conspicuous locations in all school buildings and departments within the ESC and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks.

At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian.

The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the ESC and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires shall be required to review and sign off on this policy and the related complaint procedure.

Employee training materials shall also include information on this policy.

Education and Training

In support of this policy, the Governing Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the ESC community related to the implementation of this policy. All training regarding the Governing Board's policy and aggressive behavior and bullying in general shall be age and content appropriate.

Annually, the ESC shall provide all students enrolled in the ESC with age-appropriate instruction regarding the Governing Board's policy, including a written or verbal discussion of the consequences for violations of the policy, to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing

dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the building principal or program manager to examine the dating violence prevention instruction materials used in the school, shall be afforded an opportunity to review the materials within a reasonable period of time.

To the extent that State or Federal funds are appropriated for these purposes, the ESC shall provide training, workshops, and/or courses on this policy for ESC employees and volunteers who have direct contact with students.

In accordance with Governing Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training. Additionally, the ESC shall provide training on their anti-bullying policies as a part of the in- service training for all teachers, administrators, counselors, nurses, and school psychologists. These designated employees shall receive in-service training in (1) the prevention of child abuse, violence, and substance abuse, (2) school safety, (3) the promotion of positive youth development, and (4) in the case of middle school and high school employees, the prevention of dating violence. Employees shall complete at least four (4) hours of the in-service training within two (2) years after commencing employment and every five (5) years thereafter.

The complaint procedure established by the Superintendent shall be followed and shall include reporting and investigative procedures, as needed.

Ohio Valley Educational Service Center

po2105

MISSION AND VISION OF THE ESC

2105 - **MISSION AND VISION OF THE ESC**

Our Mission

The Ohio Valley ESC shall serve our partners, provide leadership, build connections, develop relationships, leverage resources, and enhance learning.

Our Vision

The Ohio Valley ESC is dedicated to providing innovative services that value and enhance continuous learning.

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po2111

PARENT AND FAMILY ENGAGEMENT

2111 – **PARENT AND FAMILY ENGAGEMENT**

The Governing Board recognizes and values parents and families as children's first teachers and decision-makers in education. The Governing Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. This policy shall serve as the Governing Board's policy, as well as the Parent and Family Engagement policy for each school/program/activity in the ESC.

The Elementary and Secondary Education Act ("ESEA"), as amended by the Every Student Succeeds Act of 2015 ("ESSA"), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

In accordance with statute and the State Board of Education Parent and Family Involvement policy, the term "family" is used in order to include a child's primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, and other family members and responsible adults who play significant roles in providing for the well-being of the child.

Family-School Partnership in Student Learning

In cultivating a partnership with parents, families, and communities, the Governing Board establishes the following expectations and objectives for meaningful parent and

family engagement:

A. working with parents and families to establish learning goals for their children with the purpose of developing responsible, adult members of society;

B. working with parents and families to develop and implement appropriate strategies for helping their children accomplish the learning goals;

C. establishing and supporting a consistent and shared approach to child guidance and discipline in collaboration with parents and families;

D. providing information to parents and families to support the proper health, safety, and well-being of their children;

E. providing information related to school policies, procedures, programs, and activities to parents and families in a language and format that is understandable, to the extent practicable;

F. providing information and involving parents and families in monitoring student progress in a manner that is meaningful and understandable;

G. helping parents and families to provide a school and home environment which encourages learning and extends, at home, the learning experiences provided by the school; and

H. “providing parents and families with timely and meaningful information regarding Ohio’s academic standards; State and local assessments; and pertinent legal provision (such as Title I, Section 1118, parents participation rights under IDEIA, gifted student identification and programming, etc.) to assist them in making informed decisions about their children’s academic future.

Family-School Partnership for Quality Schools

In cultivating a partnership with parents, families, and communities. The Governing Board is committed to the following:

A. providing a range of meaningful opportunities for parents and families to volunteer in and support their children's school activities;

B. providing engagement activities respective of various cultures, languages, practices, and customs that support relationships among parents, families, and schools that bridge economic and cultural barriers;

C. promoting regular and open communication between school personnel and students' parents and family members;and

D. cultivating school environments that are welcoming, supportive, and children-centered.

Parent and Family Responsibilities

It is parents and families who have the ultimate responsibility for their children's education, health, well-being, and behavior.

Parents and families have a responsibility to encourage and support their children's education by:

A. supporting the schools in requiring their children observe all school rules and regulations;

B. sending their children to school with proper attention to their health, personal cleanliness, and dress;

C. maintaining an active interest in their children's daily work and checking on their children's progress regularly;

D. providing a quiet place and suitable conditions for study;

E. reading all communications from the school, signing, and returning them promptly when required;

F. attending conferences when practicable or making alternative arrangements to discuss their children's progress; and

G. working with their children's teachers to find school or community-based academic and behavioral interventions and enrichment supports.

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po2220

ADOPTION OF COURSES OF STUDY

2220 - **ADOPTION OF COURSES OF STUDY**

The Board of Education shall provide a comprehensive instructional program to serve the educational needs of the students of this District. The Board shall periodically adopt courses of study which shall define the key components of the District's curriculum and instruction.

No course of study shall be taught in the schools of this District unless the Board adopted it. The Board shall determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interest of the students.

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the course of study in a manner best designed to meet the needs of the students for whom the teacher is responsible. Deviation from its content must be approved in accordance with the Superintendent's administrative guidelines.

Since one of the District's goals is to prepare students to enter the world of work, the Board directs that each course of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed. The Superintendent's guidelines should include recommendations to staff on how to instruct students in these important work ethics and how to include these learnings in the grades that students receive.

The Superintendent shall maintain a current list of all courses of study offered by this District.

The list shall include a description of each course of study and its date of adoption.

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po2240

CONTROVERSIAL ISSUES

2240 - **CONTROVERSIAL ISSUES**

The Governing Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, carefully weigh the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or is likely to arouse both support and opposition in the community.

The Governing Board shall permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view; and

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal or program manager.

When controversial issues have not been specified in the course of study, the Governing Board shall permit the instructional use of only those issues which have been approved by the Superintendent.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

The Governing Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs.

The Governing Board also recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school shall honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, shall not be excused from participating in the course and shall be provided alternate learning activities during times of such parent-requested absences.

The Superintendent shall deal with controversial issues and with parental concerns about program content or the use of particular materials.

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po2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

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

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, the Governing Board does not discriminate on the basis of race, color, national origin, sex, disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Governing Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to their membership in the Protected Classes, race, color, national origin, sex, disability, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the ESC, or social or economic background, to learn through the curriculum offered in this ESC. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under applicable laws and regulations;

2. verify that facilities are made available, in accordance with Governing Board Policy 7510 - Use of ESC Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. **ESC Support**

verify that like aspects of the ESC program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Evaluation**

verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be

judged, are not differentiated, or stereotyped on the basis of the Protected Classes.

Definitions:

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

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

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

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

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

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

ESC Compliance Officer(s)

The Governing Board designates the following individual(s) to serve as the ESC's "Compliance Officer" (also known as "Civil Rights Coordinator"):

Special Needs/Student Services Consultant Ohio Valley Educational Service Center Marietta Office 2333 B State Route 821 Marietta, OH 45750 (740) 373-6669
Executive Director of Operations and Special Projects Ohio Valley Educational Service Center Cambridge Office 128 East 8th Street Cambridge, OH 43725 (740) 439-3558

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

Reports and Complaints of Unlawful Discrimination and Retaliation

Students, Board employees, all other members of the ESC community, as well as third parties, are required to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other ESC-level official so that the Governing Board may address the conduct. Any administrator, supervisor, or other

ESC-level employee or official who receives such a report shall file it with the Compliance Officer within two (2) days if possible.

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

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one (1) of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer shall accept reports of unlawful discrimination/retaliation directly from any member of the ESC community or Third Party, or receive reports that are initially filed with another Governing Board employee. Upon receipt of a report of alleged discrimination/retaliation, the Compliance Officer will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant’s request and the nature of the alleged discrimination/retaliation), or the Compliance Officer shall designate a specific individual to conduct such a process. The Compliance Officer shall provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the ESC community shall report incidents of

discrimination/retaliation that are reported to them to the Compliance Officer within two (2) days of learning of the incident/conduct.

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

Investigation and Complaint Procedure

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

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the U.S.

Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Ave., SW, Washington, DC 20202-1100, Telephone: (800) 421-3481, FAX: (202) 453-6012, TDD: 800-877-8339, E-mail: OCR@ed.gov, Web: http://www.ed.gov/ocr

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

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

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

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is inappropriate and shall stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with

regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

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

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

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

A. Advising the Complainant about how to communicate concerns to the Respondent

B. Distributing a copy of this policy to the individuals in the school building or office where the Respondent works.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

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

Formal Complaint Procedure

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

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

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

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

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

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

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

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

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

A. Interviews with the Complainant;

B. Interviews with the Respondent;

C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and

D. Consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

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

If the Superintendent or designee requests additional investigation, the Superintendent or designee shall specify the additional information that is to be gathered, and such additional investigation shall be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent or designee shall issue a final written decision as described above.

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

The decision of the Superintendent or designee shall be final.

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

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

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

Privacy/Confidentiality

The ESC shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Governing

Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

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

Sanctions and Monitoring

The Governing Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action shall be taken in accordance with applicable laws. When imposing discipline, the Superintendent or designee shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Governing Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Governing Board policies.

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

Retaliation

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

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

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

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

Education and Training

In support of this policy, the Governing Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the ESC community related to the implementation of this policy and shall provide training for ESC students and staff where appropriate. All training, as well as all information

provided regarding the Governing Board's policy and discrimination in general, shall be age and content appropriate.

Retention of Investigatory Records and Materials

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

A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

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

C. any documentation that memorializes the actions taken by ESC personnel or individuals contracted or appointed by the Governing Board to fulfill its responsibilities related to the investigation and/or the ESC's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Governing Board policy used by the ESC to conduct the investigation, and any documents used by the ESC at the time of the alleged violation to communicate the Governing Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to ESC personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all ESC personnel

involved in enforcing this policy including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;

O. documentation that any rights or opportunities that the ESC made available to one party during the investigation were made available to the other party on equal terms;

P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

Q. copies of any notices sent to the Complainant and Respondent in advance of any interview, meeting, or hearing; and

R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant and Respondent.

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

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Contents

po2260.01

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Governing Board does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Governing Board's policies and practices shall not discriminate against students with disabilities and the Governing Board shall make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination shall be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the ESC.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Governing Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

ESC Compliance Officer

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

Director of Special Education Services Ohio Valley Educational Service Center Marietta Office 2333 B State Route 821 Marietta, OH 45750 (740) 373-6669
Executive Director of Operations and Special Projects Ohio Valley Educational Service Center Cambridge Office 128 East 8th Street Cambridge, OH 43725 (740) 439-3558

The ESC Compliance Officer is/are responsible for coordinating the ESC's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the ESC Compliance Officer.

The ESC Compliance Officer shall oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Governing Board's adopted internal complaint procedure and shall attempt to resolve such complaints.

The Governing Board shall provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Governing Board shall further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

Training

The ESC Compliance Officer shall also oversee the training of employees in the ESC so that all employees understand their rights and responsibilities under Section 504 and

the ADA and are informed of the Governing Board's policies and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

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

Facilities

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

For facilities constructed or altered after June 3, 1977, the ESC shall comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the ESC is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities shall be designed and scheduled so that the location and nature of the facility or area shall not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Governing Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Governing Board shall provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan. Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Governing Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the ESC with persons who are not disabled to the maximum extent appropriate. Generally, the ESC shall place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the ESC places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Governing Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services offered to students without a disability.

The Governing Board shall provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the ESC, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the ESC shall verify

that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Governing Board's policy on nondiscrimination in education practices and the identity of the ESC's Compliance Officer shall be posted.

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po2261

TITLE I SERVICES

2261 - **TITLE I SERVICES**

The Governing Board elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement Act of 1965.

The Superintendent shall prepare and present to the Ohio Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who shall be served by the plan.

A. **Assessment**

The Governing Board shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Ohio Department of Education as well as those determined by the ESC professional staff that shall assist in the diagnosis, teaching, and learning of the participating students.

B. **Scope**

Each school shall determine whether the funds shall be used to upgrade the educational program of an entire school and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The program, for an entire school and/or a Targeted Assistance School shall include the components required by law as well as those agreed upon by participating staff and parents.

C. **Participation**

The Title I program shall be developed and evaluated in consultation with parents and professional staff members involved in its implementation. Appropriate training shall be provided to staff members who provide Title I services. Parent participation shall be in accord with Governing Board Policy 2261.01 and shall meet the requirements of Section 1118 of the Act.

D. **Comparability of Services**

Title I funds shall be used only to supplement, not to supplant, State and local funds. The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance.

The determination of the comparability of services may exclude, in accordance with Federal regulations, State and local funds spent on compensatory education programs, bilingual education programs, and programs for educationally-disabled students. The determination of comparability shall not take into account unpredictable changes in student enrollments or personnel assignments.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in an equitable manner throughout the ESC.

E. **Professional Development**

Members of the professional staff shall participate in the design and implementation of staff development activities that meet the requirements of Section 1119 of the Act and:

1. involve parents in the training, when appropriate;

2. combine and consolidate other available Federal and ESC funds; and

3. foster cooperative training with institutions of higher learning and other educational organizations including other ESCs;

4. allocate part of the staff development to the following types of strategies:

    a. performance-based student assessment

    b. use of technology

    c. working effectively with parents

    d. early childhood education

    e. meeting children's special needs

    f. fostering gender-equitable education

5. provide opportunities for paraprofessionals to work toward licensing as professional educators.

F. **Simultaneous Services**

In accordance with law, a school offering Title I services may also serve other students with similar needs.

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PARENT PARTICIPATION IN TITLE I PROGRAMS

2261.01 - **PARENT PARTICIPATION IN TITLE I PROGRAMS**

In accordance with the requirements of Federal law, programs supported by Title I funds shall be planned and implemented in meaningful consultation with parents of the students being served.

Each year the Superintendent shall work with parents of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent involvement policy to establish expectations for the involvement of such parents in the education of their children. The proposed policy shall be reviewed and approved annually by the Governing Board and distributed to parents of children receiving Title I services. The proposed policy shall describe how the ESC shall:

A. involve parents in the development of the ESC's Title I plans and in the process of school review and improvement, if necessary;

B. provide coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective parent involvement activities to improve student achievement and school performance;

C. build the schools' and parents' capacity for strong parental involvement;

D. coordinate and integrate parent involvement strategies with parent involvement strategies under other programs such as Head Start, Reading First, Early Reading First, Even Start, Parents and Teachers, and Home Instruction for Preschool Youngsters;

E. in consultation with parents, annually evaluate the content and effectiveness of the parent involvement policy in improving the academic quality of schools, including:

1. identifying barriers to greater parent participation;

2. designing strategies for more effective parental involvement; and,

3. revising the parental involvement policy if necessary;

F. involve parents of children receiving Title I services in deciding how Title I funds reserved for parent involvement activities shall be allocated;

G. provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities and parents of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;

H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;

I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;

J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;

K. involve parents in the planning, review, and improvement of the Title I program;

L. communicate information concerning school performance profiles and their child's individual performance to parents;

M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding

nutritional and health practices, and the like;

N. provide timely responses to parental questions, concerns, and recommendations;

O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement; and

P. conduct other activities as appropriate to the Title I plan and applicable laws and regulations.

The Superintendent shall also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

A. Each principal/program manager shall convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parental involvement plan.

B. Meetings with parents of children receiving Title I services shall be scheduled at flexible times with assistance such as childcare, transportation, home visits, or similar aid offered to parents to encourage their involvement.

C. Parents shall be involved in an organized, ongoing and timely way in the development, review, and improvement of parent involvement activities.

D. Parents of participating students shall be provided with:

1. timely information about the Title I program and the school's parent involvement policy;

2. a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels expected; and

3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.

E. As a component of the school parental involvement policy, the principal/program manager for each school/program shall coordinate the development of a school-parent compact jointly with parents which outlines how the school staff, the parents, and the student shall share responsibility for academic improvement and the means by which the school and parents shall build and develop a partnership to help students achieve State standards. The compact shall:

1. describe the school's responsibility to provide a high-quality curriculum and instruction in a supportive, effective learning environment;

2. describe the parent's responsibility to support their child's learning environment such as monitoring attendance, homework, extra-curricular activities and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children; and

3. address the importance of parent/teacher communication on an on-going basis through at least annual parent teacher conferences to discuss achievement and the compact; frequent progress reports to the parents on their child's progress; and reasonable access to the staff and to observe and participate in classroom activities.

F. Parents of children receiving Title I services shall be notified about school parent involvement policies in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. These policies shall also be made available to the community.

G. School parent involvement policies shall be evaluated periodically to consider whether they meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student achievement, the Superintendent and building principals/program managers shall include provisions in the ESC and school parent involvement policies regarding:

A. assisting parents of children served under Title I in understanding the State's academic content and assessment standards, and in understanding how to monitor their child's progress and how to work with educators to improve their child's achievement;

B. providing materials and training to help parents work with their children to improve achievement;

C. educating teachers, pupil services personnel, and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;

D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal programs; and

E. providing such reasonable support for parent involvement activities as parents may request.

In order to build the ESC's capacity for parent involvement, the Superintendent and building principals/program managers may also:

A. involve parents in the development of training for teachers and administrators to improve the effectiveness of such training;

B. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, and childcare costs;

C. train parents to enhance the involvement of other parents;

D. adopt and implement model approaches to improving parental involvement;

E. establish an ESC-wide parent advisory council to provide advice on all matters related to parental involvement programs; and/or

F. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

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po2261.02

TITLE I - PARENTS RIGHT TO KNOW

2261.02 - **TITLE I – PARENTS' RIGHT TO KNOW**

In accordance with the requirement of Federal law, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the Governing Board shall provide the following information on the student's classroom teachers:

A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade levels and subject areas they are teaching.

B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.

C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.

D. The qualifications of any paraprofessionals providing services to their child(ren).

E. In addition, the parents shall be provided:

1. information on the level of achievement of their child(ren) on the required State academic assessments; and

2. timely notice if the student is assigned to a teacher who is not "highly qualified" as required, or if the student is taught for more than four (4) weeks by a teacher who is not highly qualified.

The notices and information shall be provided in an understandable and uniform format, and to the extent practicable, in a language the parent(s) understand.

Ohio Valley Educational Services Center

Contents

po2262

CHILD CARE PROGRAMS

2262 - **CHILD CARE PROGRAMS**

The Governing Board may provide appropriate programs and services for children who are in need of care and supervision when not attending school through the use of ESC staff and facilities and by contracting for ESC facilities to be used by an outside organization specializing in childcare programs.

Program fees and/or tuition shall be charged to participating students at rates as determined by the Governing Board. Such payment shall be due and payable prior to participation in program activities and in at least monthly intervals in advance.

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po2265

PROTECTIONS OF INDIVIDUAL BELIEFS, AFFILIATIONS, IDEALS, OR PRINCIPLES OF POLITICAL MOVEMENTS AND IDEOLOGY

2265 - **PROTECTIONS OF INDIVIDUAL BELIEFS, AFFILIATIONS, IDEALS, OR PRINCIPLES OF POLITICAL MOVEMENTS AND IDEOLOGY**

The Governing Board is committed to establishing a school and work environment that supports the free exchange of ideas and allows employees and students to maintain their own beliefs, affiliations, ideals, political opinions, and ideology without fear of repercussion.

To that end, the Board will not solicit or require employees or job applicants to affirmatively ascribe to or express opinions about specific beliefs, affiliations, ideals, principles concerning political movements, or ideology. The Board shall not use statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology as part of any evaluation criteria for employees or job applicants, or as a factor in determining an employee's career advancement, assignment, or job benefits.

Likewise, the Board shall not solicit or require current or prospective students who seek enrollment in the Educational Service Center ("Center") to affirmatively ascribe to specific beliefs, affiliations, ideals, or principles concerning political movement or ideology, nor will the Center use any statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology to evaluate the student's academic performance.

The Board maintains its authority to take disciplinary and other types of action against employees and students who violate State and Federal laws, including anti-

discrimination laws, in accordance with Board Policy, administrative guidelines, and the student code of conduct where applicable.

Nothing in this policy is intended to modify or limit an educator's academic freedom, or an educator's ability to research or write publications about specific beliefs, affiliations, ideals, or principles concerning political movements, ideology, or social actions.

This policy shall not prohibit, limit, or restrict the Board's authority to consider a job applicant's scholarship, teaching, or subject matter expertise in the applicant's given field of study, nor does it limit the Board's authority to offer an established character education program.

The Board shall make all policies, Center guidance, and training materials used for students and employees on all matters regarding specific beliefs, affiliations, ideals, or principles concerning political movements or ideology publicly available unless such documents or materials contain protected legal communications or guidance.

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po2266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Governing Board Policy 1266 shall be considered to be incorporated herein.

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po2270

RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

Based on the First Amendment protection against the establishment of religion in the schools, no Governing Board employee shall promote religion in the classroom or in the ESC's curriculum or compel or pressure any student to participate in devotional exercises. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Governing Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the ESC's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use in the ESC. The Governing Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Governing Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the ESC's students, not for its conformity to religious principles. Students should receive unbiased instruction in ESC schools/programs/activities so they may privately accept or reject the knowledge thus gained in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school shall honor a written request for his/her child to be excused from particular class periods for specified reasons. The student shall be provided with alternate learning activities during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

Students shall not be prohibited from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Such assignments will be graded in the same manner as any other assignments. Students will neither be penalized nor rewarded based on the religious content of the student's work.

The Governing Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs.

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po2271

COLLEGE CREDIT PLUS PROGRAM

2271 - **COLLEGE CREDIT PLUS PROGRAM**

The Board of Education recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities in Ohio.

The Board will approve participation by students who apply to the participating college or university (institute of higher education or IHE) and meet the IHE's and relevant academic program's established standards for admission, enrollment, and course placement. Participating students will be eligible to receive secondary credit for completing any of these programs. To be eligible, students must be in seventh, eighth, ninth, tenth, eleventh, or twelfth grade and must either be remediation-free in one (1) of the assessments established under R.C. 3345.061(F) or meet an alternative remediation-free eligibility option as defined by the Chancellor of Higher Education in consultation with the Superintendent of Public Instruction. Students who participated in the College Credit Plus Program before September 30, 2021 and who qualified to participate in accordance with prior law by scoring within one (1) of the required assessments and having a cumulative high school grade point average of at least 3.0, or alternatively receiving a recommendation from a school counselor, principal, or career-technical program advisor, may remain eligible to participate.

In addition, under Federal and State law, male students who are eighteen (18) years of age or older and who are classified as an Ohio resident by the public college or university they are attending through the College Credit Plus program are required to be registered with the Selective Service System. Participating male students are required to provide their Selective Service number to the public college or university within thirty (30) days of their 18th birthday. If such students do not submit their Selective Service number, they will not be considered a College Credit Plus participant for that current semester or term and will be responsible for any tuition, textbooks, or fees associated with the classes for which they are enrolled.

Underperforming and Ineligible Students

If a student participating in the College Credit Plus Program under the option set forth in R.C. 3365.06 (B) either: A) fails to maintain a grade point average of 2.0 or higher in the college courses taken through the College Credit Plus Program; or B) withdraws from, or receives no credit for two (2) or more courses in the same term, the student will be considered an underperforming student. If a student maintains underperforming student status for two (2) consecutive terms of enrollment, the student will be deemed “ineligible.”

Probation

Immediately after determining a student has obtained underperforming student status, the Superintendent shall place the student on probation within the College Credit Plus Program and notify the underperforming student, the student's parents, and each IHE in which the student is enrolled of the student's status. The underperforming student and their parents shall also be notified of the following requirements for continued participation in the Program while on probation:

A. The student shall only enroll in one (1) college course during any term.

B. The student shall refrain from enrolling in a college course in the same subject as a college course in which the student earned a grade of “D” or “F” or for which the student received no credit.

C. If the student had registered for more than one (1) college course for the next term prior to being placed on probation, the student shall request each IHE in which the student is enrolled to dis-enroll the student from those courses that conflict with the terms of the student's probationary status.

    1. If a student elects to remain enrolled in one (1) course for the next term, the student shall inform the IHE of the course in which the student would

like to remain enrolled.

2. If the student fails to dis-enroll from any courses that conflict with the student's probationary status, the Superintendent shall immediately notify the student and the student's parents that the student shall assume responsibility for any and all tuition, fees, and costs for textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and the student's parents shall also be advised that the student shall be deemed an ineligible student and dismissed from the program for the next term in accordance with the dismissal procedures set forth below.

D. If a student takes a course after being placed on probation and such course raises the student's cumulative grade point average to 2.0 or higher in the college courses taken through the College Credit Plus Program, the student shall be removed from probation. The student may participate in the Program without restrictions unless the student is declared to be an underperforming student again.

E. If a student takes a course after being placed on probation and such course does not raise the student's cumulative grade point average to 2.0 or higher in the college courses taken through the College Credit Plus Program, the student shall be dismissed from the Program in accordance with the dismissal procedures set forth below.

Dismissal

If a student is deemed ineligible to participate in the College Credit Plus Program, the student will be dismissed from the Program. The Superintendent shall notify the ineligible student, the student's parents, and each IHE in which the student is enrolled of the student's dismissal. The ineligible student and his/her parents shall also be notified that the student shall not take any college courses through the Program following the student's dismissal.

If the student had registered for more than one (1) college course for the next term prior to being dismissed from the Program, the student shall request each IHE in which the student is enrolled to dis-enroll the student from the Program.

If the student fails to dis-enroll following the student's dismissal from the Program, the Superintendent shall immediately notify the student and the student's parents that the student shall assume responsibility for any and all tuition, fees, and costs for textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and their parents shall also be advised that the Superintendent shall extend/continue the student's dismissal from the Program for an additional term.

Reinstatement

Following one (1) term of dismissal a student may submit a request to the Superintendent to be reinstated to the College Credit Plus Program. Summer shall only be counted as a term if the student is enrolled in one (1) or more high school courses during the summer. Upon receipt of the reinstatement request, the student's full high school and college academic record will be reviewed to determine whether the student has achieved academic progress and whether the student will be reinstated on probation or without restriction.

Reinstatement on Probation: In order to be reinstated to the College Credit Plus Program on probation, the student must meet the academic progress criteria as determined by the Superintendent.

If the student fails to demonstrate academic progress as defined above, the Superintendent shall extend/continue the student's dismissal for an additional term(s). During the dismissal period, the student shall remain ineligible to participate in the College Credit Plus Program until academic progress is achieved.

Appeals

Any student, who is dismissed from the College Credit Plus Program or prohibited from taking a course in which the student earned a grade of “D” or “F” or for which the student received no credit, may appeal the decision to the Superintendent. The appeal must be filed within five (5) business days after the student is notified of the dismissal or prohibition against taking a course. Upon receiving the appeal, the Superintendent must immediately notify each IHE in which the student is enrolled that the student has filed an appeal.

When reviewing a student’s appeal, the Superintendent shall consider any extenuating circumstances separate from the student’s academic performance that may have affected or otherwise impacted the student’s status in the College Credit Plus Program. After considering such information, the Superintendent may:

A. allow the student to participate in the Program without restrictions;

B. allow the student to take a course in which the student earned a grade of “D” or “F” or for which the student received no credit;

C. allow the student to participate in the Program on probation; or

D. maintain the student’s dismissal from the Program.

The Superintendent shall issue a decision on the student’s appeal within ten (10) business days after the date the appeal is filed. The Superintendent’s decision shall be final and the Superintendent shall immediately provide notification of the decision to each IHE in which the student is enrolled.

A. If the Superintendent decides to continue the student's dismissal from the College Credit Plus Program and the student is enrolled in an Institution of Higher Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. The Board shall not be required to pay for such courses.

B. If the Superintendent fails to issue a timely decision after the date the appeal is made and the student is enrolled in an Institution of Higher Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. If the decision is issued after the IHE's no-fault withdrawal date, the Board shall be required to pay for such courses.

Children of Military Families

Children of military families enrolled in College Credit Plus Program who must withdraw from the program due to their parent's stationing orders shall be provided the option to complete the coursework in an online format, if possible, or withdraw from the program without academic or financial penalty.

Home-Schooled Students

If a home-schooled student participating in the College Credit Plus Program is placed on probation or dismissed from the Program, the parent of the student shall be responsible for notifying each IHE in which the student is enrolled of such probation or dismissal.

The Board will provide information about the College Credit Plus Program prior to February 1st to all students enrolled in grades six (6) through eleven (11) and their parents. The Board will also promote the College Credit Plus Program on its website, including the details of the Board's current agreements with partnering IHEs.

All students must meet the requirements for participating in the College Credit Plus Program.

The Board shall deny high school credit for the College Credit Plus Program courses, any portion of which are taken during the period of a student's expulsion. If the student has elected to receive credit for course(s) toward fulfilling graduation requirements as well as the College Credit Plus Program credit, that election is automatically revoked for all college courses in which the student enrolled during the college term in which the expulsion is imposed.

When a student is expelled, the Board directs the Superintendent to send written notice of the expulsion to any college in which the expelled student is enrolled under R.C. 3365.03 (College Credit Plus Program) at the time the expulsion is imposed. This notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a policy under R.C. 3313.613 to deny high school credit for College Credit Plus Program courses taken during an expulsion. If the expulsion period is later extended, the Superintendent shall notify the college of the extension.

The Board will collect, report, and track program data annually in accordance with data reporting guidelines adopted by the Chancellor and the Superintendent of Public Instruction pursuant to R.C. 3365.15.

The Superintendent shall establish the necessary administrative guidelines to comply with State law which will thereafter be properly communicated to both students and their parents. The Superintendent shall also establish guidelines and procedures for the awarding of credit and the proper entry of a student's transcript and other records of the student's participation in a College Credit Plus Program.

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po2280

PRESCHOOL PROGRAM

2280 - **PRESCHOOL PROGRAM**

The preschool program shall be located in a facility that accommodates the enrollment of the program, supports the growth and development of children according to program objectives, and meets the requirements of State law and regulations.

The Board of Education may operate general education classrooms, integrated classrooms, and/or special education classrooms to meet the needs of students served. Definitions for each type of classroom are as follows:

A. General education classrooms are those in which no more than fifty percent (50%) of enrolled students are children with disabilities and there is a maximum of eight (8) students with disabilities served. General education classes are taught by a general education teacher or dual-licensed teacher who meets the lead teacher qualifications prescribed by the State. General education classrooms may also include a co-taught class model that is taught by both a licensed general education teacher and licensed intervention specialist who are assigned to the classroom for the full duration of each class session. General education teachers in this type of classroom may not serve as the intervention specialist of record or IEP case manager for any children with disabilities.

B. Integrated classrooms are those in which no more than fifty percent (50%) of students in the class are children with disabilities. Integrated classes are taught by a general education or dual-licensed teacher who meets the lead teacher qualifications prescribed by the State. Integrated classroom teachers may serve as the intervention specialist of record or IEP case manager for students with disabilities enrolled in the class if they are properly licensed.

C. Special education classrooms are those in which at least fifty-one percent (51%) of the students enrolled in the class are children with disabilities. The lead teacher is responsible for specially designed instruction for one (1) or more children with IEPs enrolled in the class.

A child is eligible for entrance into preschool if the child attains the age of three (3) on or before September 30 of the year in which s/he applies for entrance and has not yet obtained the age at which the child shall be admitted in kindergarten. Children participating in the preschool program shall have been immunized in accordance with the requirements of the State Governing Board to prevent the spread of communicable disease.

Parents of children enrolled in the program shall be permitted access to the school during its hours of operation, in accordance with ESC procedures, to contact their children, evaluate the care provided by the program, the premises, or for other purposes approved by the director. Upon entering the premises, parents shall report to the school office. Parents are expected to follow all visitation rules and security protocols while on campus.

Tuition and Fees

Tuition and fees may be charged to parents of preschool students, according to a schedule adopted by the Governing Board, which may vary by program(s) and school district(s). Tuition and fees may be graduated in proportion to family income or waived in case of hardship.

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po2312

CLASS SIZE

2312 - **CLASS SIZE**

The Governing Board requires that class sizes be determined with reference to instructional quality and economy of operation, with consideration given to subject matter, type of instruction, and Federal and State requirements.

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po2330

HOMEWORK

2330 - **HOMEWORK**

The Governing Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

"Homework" shall refer to those assignments to be prepared outside of the school by the student.

The Superintendent shall develop rules for the assignment of homework which include, but are not limited to:

A. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

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po2340

FIELD AND OTHER ESC-SPONSORED TRIPS

2340 - **FIELD AND OTHER ESC-SPONSORED TRIPS**

The Governing Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;

B. help students relate school experiences to the reality of the world outside of school; and

C. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience.

For purposes of this policy, a field trip shall be defined as any planned journey by one (1) or more students away from ESC premises, which is an integral part of a course of study and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent.

Other ESC-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the ESC's total educational program and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent.

School personnel shall not accept any form of compensation from vendors that might influence their recommendation on the eventual selection of a location for, or a vendor that shall provide transportation to, a field or other ESC-sponsored trip. Furthermore, school personnel shall not accept any compensation from a vendor after a decision has been made regarding the location for, or a vendor that shall provide transportation to, a field or other ESC-sponsored trip. In addition, school personnel who recommended the location for, or a vendor that shall provide transportation to, a field or other ESC-sponsored trip shall not enter into a contractual arrangement whereby an individual staff member receives compensation in any form from the vendor that operates the venue for, or provides the transportation to, a field or other ESC-sponsored trip for services rendered.

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

The Governing Board shall approve those field trips and other ESC-sponsored trips which:

A. take students out of state; and/or

B. are planned to keep students out of the ESC overnight or longer or out of the State, except that prior Governing Board approval is not required for overnight trips related to extracurricular competitions that arise at a time when no Governing Board meetings are scheduled prior to the date of the trip.

The Superintendent shall approve all other such trips. The Superintendent may approve overnight trips related to extracurricular competitions that arise at a time when no Governing Board meetings are scheduled prior to the date of the trip.

In accordance with State law, members of the opposite biological sex are prohibited from sharing overnight accommodations.

Students may be charged fees, including, but not limited to, admission fees, for ESC-sponsored trips but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all ESC-sponsored trips remain under the supervision of this Governing Board.

The Governing Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the ESC who takes students on trips not approved by the Governing Board or Superintendent. No staff member may solicit students of this ESC for such trips within the facilities or on the school grounds of the ESC without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in the staff member's charge is imperiled or where changes or substitutions beyond the staff member's control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

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po2370.01

BLENDED LEARNING

2370.01 – **BLENDED LEARNING**

The Governing Board authorizes the operation of a blended learning environment as an educational opportunity for students. Blended learning 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 non-computer-based learning opportunities. Students participating in blended learning shall have the ability to advance from grade to grade and earn credits by demonstrating proficiency of knowledge or skills through competency-based learning models rather than a minimum number of days or hours in a classroom or on a digital learning device. Blended learning programs must have an annual instructional calendar of not less than 910 hours.

The Superintendent is authorized to develop program guidelines and specific procedures to address the following requirements:

A. The means of personalization of student-centered learning models to meet the needs of each student.

B. The evaluation and review of the quality of online curriculum delivered to students.

C. The assessment of each participating student's progress through the curriculum.

D. Students will shall be permitted to advance through each level of the curriculum based on demonstrated competency/mastery of the material.

E. The assignment of a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet the student's personal learning goals. Each participating student shall be assigned to at least one (1) teacher of record.

F. The method by which each participating student will have access to the digital learning tools necessary to access the online or digital content.

G. The means by which each school shall use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to or made available to students for instructional use. The school shall provide such device or software at no cost to any student who uses a device obtained from a source other than the school.

H. The means by which the school will ensure that teachers have appropriate training in the pedagogy of the effective delivery of online or digital instruction.

The Superintendent will collect, report, and track program data annually in accordance with data reporting guidelines and provide regular reports to the Governing Board.

The Superintendent shall establish the necessary administrative guidelines and procedures to comply with State law which will thereafter be properly communicated to both students and their parents.

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po2412

HOMEBOUND INSTRUCTION PROGRAM

2412 - **HOMEBOUND INSTRUCTION PROGRAM**

This policy governs the instructional program at District educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The Governing Board may provide individual instruction to students who are unable to attend classes because of accident, illness, or disability.

Documentation of the medical condition shall be done through a physician licensed to practice in this State who shall:

A. certify existence of a medical condition requiring homebound instruction;

B. state the probable duration of the confinement.

Applications must be approved by the ESC Superintendent in accordance with the District's service agreement.

Prior to a student on an IEP being placed in the homebound instruction program under this policy, the IEP team shall meet to temporarily amend the student's IEP. The program of homebound instruction for students with disabilities shall be in accordance

with the terms of the student's amended IEP. In accordance with R.C. 3323.12, five (5) hours of home instruction shall be equivalent to attendance for five (5) school days.

Teachers providing homebound instruction shall hold an Ohio teaching license appropriate for the level of instruction for which the assignment is made. Ordinarily, the Educational Service Center will provide one (1) hour of instruction for each school day that the student is participating in a homebound instruction program. The Superintendent may approve additional instructional time, on a case-by-case basis, when the circumstances warrant it.

Instruction will not be provided when:

A. the instructor's presence in the place of a student's confinement presents a hazard to their health;

B. a parent or other adult in authority is not at home with the student during the hours of instruction;

C. the condition of the student is such as to preclude their benefit from such instruction.

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po2416

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

2416 - **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Governing Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the ESC's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

A. political affiliations or beliefs of the student or his/her parents;

B. mental or psychological problems of the student or his/her family;

C. sex behavior or attitudes;

D. illegal, anti-social, self-incriminating or demeaning behavior;

E. critical appraisals of other individuals with whom respondents have close family relationships;

F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;

G. religious practices, affiliations, or beliefs of the student or his/her parents; or

H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall require that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent shall have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal/program manager.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent shall have access to the instructional material within a reasonable period of time after the request is received by the building principal/program manager. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Governing Board shall not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the ESC of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the ESC, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a

third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

For purposes of this policy, the term “parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

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po2451

ALTERNATIVE SCHOOL PLANS/PROGRAMS

2451 - **ALTERNATIVE SCHOOL PLANS/PROGRAMS**

The Governing Board recognizes that the regular school program may not be appropriate for all students and that certain students may need special programs to help them overcome attendance, academic, and/or behavioral problems.

The Governing Board authorizes the Superintendent to provide alternative education programs for students who, in the opinion of the Superintendent, shall benefit from this educational option. Participation in an alternative program does not exempt the student from adherence to school attendance rules or the Code of Conduct.

The Superintendent shall develop a plan for the alternative school and submit it to the Governing Board for approval. The plan is to include but not necessarily be limited to:

A. the criteria for admission that the Governing Board shall use to approve or disapprove a student's assignment to the school;

B. the criteria and procedures that shall be used to transfer a student from the alternative school back to his/her regular school;

C. a plan for evaluating the effectiveness of the alternative school and for sharing the results of the evaluation with the community;

D. appointment of staff including the person who shall function as the chief administrative officer of the school;

E. any additional time of attendance beyond the minimum school day;

F. any restrictions on participation in co-curricular or extra-curricular activities; and

G. any additions to the Code of Conduct or dress code.

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po2460

SPECIAL EDUCATION

2460 - **SPECIAL EDUCATION**

The Governing Board is committed to providing a free appropriate public education ("FAPE") to children with disabilities between the ages of three (3) and twenty-one (21), inclusive, who have been identified in accordance with applicable State and Federal laws, rules, and regulations. This includes children with disabilities who have been suspended or expelled from school, failed or been retained in a course or grade, and are advancing from grade to grade. It further includes students with disabilities who are confined to community corrections facilities or juvenile detention centers. The Educational Service Center ("Center") shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs ("IEPs") and in accordance with the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, including Child Find and Evaluation requirements. Students with disabilities who are in adult county jails shall continue to receive FAPE during incarceration subject to their continued eligibility for services and subject to exceptions related to security and safety.

In order to satisfy the requirements of the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* ("Ohio Operating Standards"), the Governing Board adopts the model policies and procedures promulgated by the Ohio Department of Education and Workforce ("DEW"), which is incorporated by reference into this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the DEW are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), the regulations implementing the IDEA, the Ohio Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

Copies of the Model Policies are available at the office of the Governing Board.

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po2461

RECORDING OF ESC MEETINGS INVOLVING STUDENTS AND/OR PARENTS

2461 - **RECORDING OF ESC MEETINGS INVOLVING STUDENTS AND/OR PARENTS**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

Recording of IEP Team and 504 Team Meetings

The recording of IEP Team meetings and 504 Team meetings is prohibited unless it is necessary in order for a parent to understand the IEP process or 504 process and/or his/her child's IEP or 504 Plan, or otherwise necessary to implement other parental rights under the IDEIA, Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.

A. If a parent believes that audio recording an IEP Team or 504 Team meeting is necessary, s/he should notify the Director of Student Services in writing, preferably at least two (2) school days before the IEP Team or 504 Team meeting of his/her desire to audio record the meeting and the reason the recording is required. The Superintendent or designee shall notify the parent at least one (1) school day before the meeting if s/he intends to deny the parent's request to record the meeting.

B. If the ESC representative denies the request, s/he shall state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of IEP Team meetings and 504 Team meetings shall typically involve situations when a parent or other IEP Team or 504 Team member has a

disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the IEP process or 504 process. The ESC representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he shall use his/her own recording device and the ESC shall similarly record the meeting.

Recording of Other ESC Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)

Parents are prohibited from audio recording meetings with the ESC unless a parent or ESC staff member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or participate in the meeting. The ESC representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he shall use his/her own recording device and the ESC shall similarly record the meeting.

Video recording any meeting is strictly prohibited.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or on the student's person without express written consent of the Superintendent. Any requests to place a recording device or other device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Superintendent or designee. The ESC representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the ESC audio records any meeting, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with applicable laws and regulations.

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po2520

SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

2520 - **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

The Governing Board shall provide instructional materials and equipment, within budgetary constraints, to implement the ESC's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

The Superintendent shall develop procedures for the selection and maintenance of all educational and instructional materials and equipment. In addition, s/he shall periodically, provide for a systematic review, by the Governing Board, of the ESC's educational resources in order to ensure that they are appropriate for the current educational program. Any revisions that occur should be a result of the school-improvement process.

Students shall be held responsible for the cost of replacing any materials or property which are lost or damaged through their negligence.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in shop activities where the product becomes the property of the student.

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po2531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

The Governing Board directs its staff and students to use copyrighted works only to the extent that the law permits. The Governing Board recognizes that Federal law applies to public ESCs and the staff and students shall, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff and students abide by the laws set forth in Title 17 of the United States Code, the Governing Board directs the Superintendent to provide procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Governing Board's web site.

Because the Governing Board hosts a website and stores information on it at the direction of users, it is classified as an online service provider for copyright purposes. In order to limit the Governing Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Governing Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Governing Board's website. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

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po2605

PROGRAM ACCOUNTABILITY AND EVALUATION

2605 - **PROGRAM ACCOUNTABILITY AND EVALUATION**

The Governing Board believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the ESC, the Governing Board has the responsibility for assessing how well goals are being accomplished.

The Governing Board shall fulfill this responsibility by establishing a means for the continued evaluation of results which shall be systematic and specific.

The following elements shall be included in its accountability program:

A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement shall be determined.

B. Provisions for staff, resources, and support necessary to achieve each program's purposes.

C. Evaluation of each program to assess the extent to which each program's purposes and objectives are being achieved.

D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Governing Board. Findings of the assessment program may be used to evaluate the progress of students and:

A. the effectiveness of the curriculum; and/or

B. the effectiveness of staff members.

The Superintendent shall recommend improvements in the educational program annually, based on ESC evaluation.

The Governing Board reserves the right to employ experts from outside the ESC to serve in the evaluation process.

The Governing Board shall annually make available to the public the progress of the student body toward the goals of the ESC.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and State Department of Education regulations or internally, as authorized by the Superintendent or Governing Board.

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po2623

STUDENT ASSESSMENT AND ACADEMIC INTERVENTION SERVICES

2623 - **STUDENT ASSESSMENT AND ACADEMIC INTERVENTION SERVICES**

The Governing Board shall assess student achievement and needs in all program areas in compliance with applicable laws and regulations and the rules adopted by the State Board. The purpose of such assessments shall be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of this Educational Service Center ("ESC").

The Governing Board shall administer the State-mandated tests (e.g., diagnostic assessments and achievement tests) to students at the times designated by the State Board. The Governing Board may, for medical reasons or other good cause, excuse a student from taking a State-mandated test on the date scheduled, but any such test shall be administered to such excused student not later than nine (9) days following the scheduled date. The Governing Board shall annually report, not later than June 30th, the number of students who have not taken one (1) or more of the State-mandated tests to the State Board.

The ESC shall require that all appropriate staff have knowledge of the prescribed standards of ethical assessment practice and shall monitor the assessment practices for compliance with these standards. These duties shall include:

A. communicating standards of ethical assessment practice;

B. communicating security procedures for assessment;

C. establishing procedures for reviewing assessment materials and procedures and assessment preparation materials and procedures;

D. establishing channels of communication that allow teachers, other educators, students, parents, and other members of the community to voice concerns about assessment practices;

E. establishing written procedures for investigating complaints, allegations, and/or concerns about assessment practices, protecting the rights of an individual, the integrity of an assessment, and the results of an assessment.

The Governing Board shall provide academic intervention services in pertinent subject areas to students who score below the proficient level in reading, writing, mathematics, social studies, or science achievement test, or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

At least annually, staff members shall assess the academic achievement and learning needs of each student. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

The Superintendent shall develop and the Governing Board shall approve a program of testing that includes:

A. administration of State-mandated tests (e.g., diagnostic assessment and achievement tests), at no cost to students, in accordance with the provisions of A.C. 3301-13-02;

B. performance-based tests at appropriate grade levels to measure achievement of performance objectives in composition, mathematics, science, social studies,

and reading;

C. aptitude tests;

D. ESC or teacher-made achievement or performance tests;

E. vocational inventories;

F. tests of mental ability;

G. portfolios; and

H. demonstrations of student capability in non-school settings;

I. norm reference achievement tests.

"Achievement test" means "a test, aligned with the Ohio academic content standards and model curriculum, designed to measure a student's level of knowledge or skill in a specific subject area that is expected at the end of a designated grade and/or is required as part of the Ohio graduation requirement."

"Alternate assessment" means "the use of an assessment instrument, other than the Ohio achievement tests or diagnostic assessments that meets the requirements of all applicable laws and regulations and A.C. 3301-13-03."

"Diagnostic assessment" means "an assessment aligned with Ohio academic content standards and model curriculum, designed to measure student comprehension of academic content and mastery of related skills for a relevant subject area at each grade level, kindergarten through three, as defined in R.C. 3301.079."

"End-of-course exams" means "the college and work ready assessments selected by the Department of Education and Workforce and the Chancellor of Higher Education that are aligned with academic content standards and model curriculum and designed to measure a student's level of academic achievement."

"Performance standards" means "a score adopted by the State Board indicative of a particular level of academic achievement at a designated grade for each achievement test or alternate assessment."

"State-mandated assessments or tests" means "an achievement assessment prescribed under R.C. 3301.0710 or an end-of-course examination under R.C. 3301.0712."

The Superintendent shall develop:

A. procedures for the regular collection of student performance data;

B. a plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments; and

C. procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.

For any student who failed to demonstrate at least a score at the proficient level on an achievement test during the preceding school year, the Governing Board shall provide appropriate intervention services commensurate with the student's test performance in each such test area, including intensive prevention, intervention, or remediation required under R.C. 3301.0711, R.C. 3301.0715, R.C.3313.608, or R.C. 3313.6012.

The Governing Board shall require that:

A. by June 30 each year, parents are provided with the score of any State-mandated assessment or test administered to their student;

   Results shall be sent via mail or email or, alternatively, shall be posted to a secure portal that families can access on the ESC's or school's website. R.C. 3313.6029

B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

C. data regarding individual test scores be entered on the student's cumulative record, where it shall be subject to the Governing Board's student records policy.

Summer remediation services shall meet the following conditions:

A. the remediation methods are based on reliable educational research;

B. testing shall be conducted before and after students participate in the program to facilitate monitoring results of the remediation services;

C. the parents of a participating student shall be involved in programming decisions; and

D. the services shall be conducted in a school building or community center and not on an at-home basis.

The Governing Board shall keep records for each student including the following:

A. a unique State student identification code or a student data verification code as required in accordance with R.C. 3301.0714(D)(2);

B. a list or designation of which tests are required and which tests are not required;

C. a list or designation of which tests, required or not required, are taken and which are not taken at each test administration period;

D. score for each test taken, required or not;

E. whether each student attained the requisite performance standard designated for each required test;

F. what if any tests shall still be taken;

G. whether or not intervention shall be provided; and

H. for each test required for graduation, the date passed shall be recorded on the student's transcript.

No information shall be on the student's transcript for a test not passed.

When a student who has taken State-mandated tests in one (1) school leaves that school to enroll in another school, the school previously attended shall provide, immediately upon request by a school official from the enrolling school, all applicable records set forth above.

For each student required to be offered intervention services, the Governing Board shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

During the school year following the year in which the tests prescribed by R.C. 3301.0710(A)(1) are administered to any student, the Governing Board shall provide appropriate intervention services, commensurate with the student's test performance, including any intensive prevention, intervention, or remediation required under R.C. 3301.0711, 3301.0715, 3313.608 or R.C. 3313.6012, in any skill in which the student failed to demonstrate at least a score of proficient level on an achievement test.

Except as authorized by Applicable laws and regulations, the Governing Board shall not use any student's failure to attain a specified score on any State-mandated test as a factor in any decision to deny the student promotion to a higher grade level.

All identified students with disabilities in the ESC shall be considered for participation in the State-mandated testing. The extent of the student's participation shall be determined by the IEP Team. Accordingly, the student's IEP shall require that the student take:

A. the required assessments in the same manner as other students;

B. the required assessments with accommodations appropriate for the student's disability; or

C. an alternate assessment that has been approved by the Department of Education and Workforce.

To the extent possible, and in accordance with law, a student with disabilities shall not be excused from taking a required assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

The Superintendent shall comply with the State Department's regulations with regard to the administration of the State-mandated tests, including the reporting of results.

Program evaluations shall be reviewed and updated every five (5) years. A schedule for such shall be developed and implemented by the Superintendent.

This policy shall be reviewed and updated annually.

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po3112

GOVERNING BOARD-STAFF COMMUNICATIONS

3112 - **GOVERNING BOARD-STAFF COMMUNICATIONS**

The Governing Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, shall, however, be through the Superintendent.

A. **Staff Communications to the Governing Board**

Communications from staff members to the Governing Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Governing Board.

B. **Governing Board Communications to Staff**

All official communications, policies, and directives of the Governing Board of staff interest and concern to the staff shall be communicated through the Superintendent, who shall also keep staff members informed of the Governing Board's concerns, and actions. Communications shall be submitted to and communicated by the Treasurer/CFO with respect to the Treasurer/CFO's staff.

C. **Social Interaction**

Since Governing Board members are not authorized to act on behalf of the Governing Board unless in open public session or when specifically vested with such authority, Governing Board members and members of the staff shall not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Governing Board Policy.

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po3113

CONFLICT OF INTEREST

3113 - **CONFLICT OF INTEREST**

Governing Board Policy 1130 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3120

EMPLOYMENT OF PROFESSIONAL STAFF

3120 - **EMPLOYMENT OF PROFESSIONAL STAFF**

All professional employees are employed under R.C. 3319.07 and/or R.C. 3319.08.

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

As a prerequisite to employee pay, the Superintendent must first issue to the Treasurer a written statement that confirms each teacher and/or professional employee has filed with the Superintendent both a copy of all valid licenses as well as copies of any reports required by the State Board of Education or the Governing Board to demonstrate his/her qualification to teach in all assigned subject and grade levels of instruction and/or a professional educator position. No professional staff member employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

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po3120.01

JOB DESCRIPTIONS

3120.01 - **JOB DESCRIPTIONS**

The Governing Board recognizes that it is essential for ESC and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional positions and thereby promote organizational effectiveness and efficiency. Therefore, the Governing Board shall maintain continuously a comprehensive, coordinated set of job descriptions for professional staff positions.

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po3120.04

EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Governing Board recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

The Governing Board shall employ substitutes for the Superintendent's assignment as services are required to replace temporarily absent regular staff members and fill new positions. Such assignment of substitutes shall be terminated when their services are no longer required.

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po3120.07

EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

3120.07 - **EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

The Governing Board shall allow the casual employment of personnel in a consulting capacity for assisting the ESC in administration, staff development, and instruction.

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po3120.10

JOB SHARING

3120.10 - **JOB SHARING**

Job sharing determinations shall be made by the Superintendent.

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Ohio Valley Educational Service Center

po3121

CRIMINAL HISTORY RECORD CHECK

3121 - **CRIMINAL HISTORY RECORD CHECK**

Governing Board Policy 1121 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3122.01

DRUG-FREE WORKPLACE

3122.01 - **DRUG-FREE WORKPLACE**

Governing Board Policy 1422.01 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3123

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

3123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

Governing Board Policy 1623 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3131

REDUCTION IN STAFF

3131 - **REDUCTION IN STAFF**

Professional staff contracts shall be suspended in accordance with R.C. 3319.17.

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po3139

STAFF DISCIPLINE

3139 - **STAFF DISCIPLINE**

The Governing Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, and applicable laws and regulations.

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po3140

TERMINATION AND RESIGNATION

3140 - **TERMINATION AND RESIGNATION**

The employment of a professional staff member may be terminated pursuant to R.C. 3319.16.

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

A professional staff member may resign in accordance with the applicable law.

Nothing in this policy supersedes the ESC's reporting obligations as mandated by law.

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po3161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

3161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

Governing Board Policy 1461 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3162

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

3162 - **DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

Governing Board Policy 1462 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3170

SUBSTANCE ABUSE

3170 - **SUBSTANCE ABUSE**

Governing Board Policy 1470 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3210

STAFF ETHICS

3210 - **STAFF ETHICS**

Governing Board Policy 1200 applies to professional staff and shall be considered to be incorporated herein.

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po3211

WHISTLEBLOWER PROTECTION

3211 - **WHISTLEBLOWER PROTECTION**

Governing Board Policy 1411 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3213

STUDENT SUPERVISION AND WELFARE

3213 - **STUDENT SUPERVISION AND WELFARE**

Governing Board Policy 1613 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3214

STAFF GIFTS

3214 - **STAFF GIFTS**

Governing Board Policy 1214 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3215

TOBACCO USE PREVENTION

3215 - **TOBACCO USE PREVENTION**

Governing Board Policy 1615 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3216

STAFF DRESS AND GROOMING

3216 - **STAFF DRESS AND GROOMING**

Governing Board Policy 1616 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3217

WEAPONS

3217 - **WEAPONS**

Governing Board Policy 1617 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3220

STANDARDS-BASED TEACHER EVALUATION

3220 - **STANDARDS-BASED TEACHER EVALUATION**

Teachers shall be evaluated pursuant to R.C. 3319.11, R.C. 3319.111, R.C. 3319.112, and applicable laws and regulations.

For the 2020-2021 school year, eligible Teachers shall be evaluated pursuant to the Ohio Teacher Evaluation System 1.0 and applicable laws.

For the 2021-2022 school year and thereafter, eligible Teachers shall be evaluated pursuant to the Ohio Teacher Evaluation System 2.0 and applicable laws.

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po3223

STANDARDS-BASED SCHOOL COUNSELOR EVALUATION

3223 - **STANDARDS-BASED SCHOOL COUNSELOR EVALUATION**

School counselors Teachers shall be evaluated pursuant to R.C. 3319.11, R.C. 3319.111, R.C. 3319.113, and applicable laws and regulations.

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po3231

OUTSIDE ACTIVITIES OF STAFF

3231 - **OUTSIDE ACTIVITIES OF STAFF**

Governing Board Policy 1231 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3231.01

RESEARCH AND PUBLISHING

3231.01 - **RESEARCH AND PUBLISHING**

Governing Board Policy 1231.01 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3242

PROFESSIONAL DEVELOPMENT AND LICENSURE

3242 - **PROFESSIONAL DEVELOPMENT AND LICENSURE**

The Governing Board shall establish a Professional Development Committee that is in compliance with Applicable laws and regulations. The Committee shall be an ESC committee.

The Committee shall establish as follows:

A. a set of bylaws governing when the Committee shall meet and where, how the committee shall select and replace members, the manner in which voting shall occur, and the procedure the Committee shall use to hear appeals of its decisions;

B. the criteria that shall be used to determine whether or not a professional development plan shall be approved; and

C. procedures for assessing the extent to which a staff member's professional development plan has been accomplished.

All Professional Development Committee meetings are subject to the Sunshine Law.

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po3243

PROFESSIONAL MEETINGS

3243 - **PROFESSIONAL MEETINGS**

The Governing Board encourages opportunities for professional staff members to develop increased competence, beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of professional staff members as determined by the Superintendent.

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of ESC duties.

© Neola 2009

po3266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

3266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Governing Board Policy 1266 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3281

USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES

3281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES**

Governing Board Policy 1481 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3362.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

3362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

Governing Board Policy 1662.01 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3362.02

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

3362.02 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

Governing Board Policy 1662.02 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3415

SEVERANCE

3415 - **SEVERANCE**

Teaching Employees

Pursuant to R.C. 124.39(C), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for Teaching Employees with a minimum of five (5) years of continuous, unbroken, uninterrupted, service with the Governing Board upon retirement. Specifically, Teaching Employees shall, upon separation from service with the Governing Board due to retirement after a minimum of five (5) years of continuous, unbroken, uninterrupted service with the Governing Board, be paid one-fourth (.25) of the value of the employee's accrued but unused sick leave up to a maximum of forty-five (45) days.

All other Teaching Employees shall be entitled to severance pay in accordance with R.C. 124.39 as applicable.

Payment of severance pay shall be based upon the Teaching Employee's current calculated daily rate of base pay at the time of retirement multiplied by the applicable accrued but unused sick leave exclusive of supplemental pay.

Pursuant to R.C. 124.39(C), if the Teaching Employee dies during employment with the Governing Board, the Teaching Employee's unused sick leave shall be paid in accordance with R.C. 2113.04 and applicable laws or to the Teaching Employee's estate.

Payment of severance shall eliminate all obligations of the Governing Board from any further payment or restoration of sick leave unused.

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

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po3419.02

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

3419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

Governing Board Policy 1619.02 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3422

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

3422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Governing Board Policy 1422 applies to professional staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po3430.01

FMLA LEAVE

3430.01 - **FMLA LEAVE**

Governing Board Policy 1630.01 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3430.02

LEAVE OF ABSENCE FOR EMPLOYMENT BY A COMMUNITY SCHOOL

3430.02 - **LEAVE OF ABSENCE FOR EMPLOYMENT BY A COMMUNITY SCHOOL**

Governing Board Policy 1430.02 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3432

SICK LEAVE

3432 - **SICK LEAVE**

All full-time Teaching Employees shall be granted sick leave at the rate of one and one-fourth (1.25) days per month in accordance with R.C. 124.38 and R.C. 3319.141 as applicable. Employees who work less than full-time shall be granted sick leave for the time actually worked at the rate of one and one-fourth (1.25) days per month. Employees who work full-time or part-time shall receive the following number of sick days per month:

Days Scheduled to Be Worked per Week	**Sick Days Received**
5 days (full-time)	1.25 days
4 days	1.00 day
3 days	0.75 day
2 days	0.50 day
1 day	0.25 day

Sick leave must be taken in increments of one-half (.5) or one (1) whole day. As needed, substitute, and per diem employees do not accumulate sick leave.

Sick leave may be used for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. For absence of the employee due to illness or injury in the immediate family, immediate family is defined as spouse, child, parent, brother, sister, grandparents, and grandchildren. (“Child” includes biological, adopted, foster, and stepchildren as well as legal wards and children to whom the employee is acting “in loco parentis.”)

For the absence of the employee due to the death in the immediate family, immediate family is defined as parent, spouse, child, brother, sister, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law and any other relative of the employee as approved by the Superintendent. The exact number of days granted shall be determined by the familial relationship and the circumstances surrounding the death, but more than three (3) consecutive days require the Superintendent's approval.

Newly hired full-time Teaching Employees may be advanced five (5) sick leave days if requested, provided that all accumulated sick leave has been exhausted. In cases where sick leave is advanced, the Governing Board shall make a deduction for the unearned, advanced sick leave days from the final pay of the individual for that contract year.

In all absences, the employee must fill out a report of absence form and file it with the Superintendent or designee in order to be compensated. For absences of five (5) consecutive days or more, the employee must submit with the report of absence form a statement from the treating physician documenting the need for sick leave.

Unused sick leave shall be cumulative up to a maximum of 240 days.

New employees of the Governing Board who have previously been employed by a public agency not more than ten (10) years prior to their employment with the Governing Board and who have accrued sick leave balances under R.C. 124.38 and/or R.C. 3319.141 shall receive a credit for their existing balances up to 240 days.

No sick leave shall be granted or credited to a Teaching Employee after the Teaching Employee's retirement or termination of employment.

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po3433

VACATION

3433 - **VACATION**

Teaching Employees

Teaching Employees shall not be entitled to vacation leave.

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po3436

PERSONAL LEAVE

3436 - **PERSONAL LEAVE**

Teaching Employees

All Teaching Employees who are scheduled to work for 120 or more days regardless of number of hours/days are entitled to up to three (3) days per year of paid personal leave, starting July 1 of each year, for the purpose of fulfilling legal or personal business that conflicts with the employee's regular work schedule. Personal leave must be taken in increments of one-half (.5) or one (1) whole day.

All Teaching Employees are entitled to the following number of personal days according to the following start date of employment:

July, August, September – 3 days
October, November, December – 2 days
January, February, March – 1 day
April, May, June – 0 days

Unless otherwise approved by the Superintendent or designee, personal leave must be requested, in writing, at least five (5) calendar days in advance of the requested leave, except in the case of emergencies, and approved by the Superintendent or designee.

Effective July 1, 2019, personal leave shall not accumulate and must be used by June 30 of the contract year or it shall be converted to sick leave.

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po3439

HOLIDAY

3439 - **HOLIDAY**

Teaching Employees

Teaching Employees shall not be entitled to paid holidays.

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po3440

JOB-RELATED EXPENSES

3440 - **JOB-RELATED EXPENSES**

Governing Board Policy 1440 applies to the professional staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po3531

UNAUTHORIZED WORK STOPPAGE

3531 - **UNAUTHORIZED WORK STOPPAGE**

The Governing Board is obligated and committed to provide certain basic services to students participating in ESC programs. Therefore, if the schools are open and the students are in attendance, those basic services shall be provided.

Recognizing the fact that the ESC, for various reasons, may experience an unauthorized work stoppage, the Governing Board remains committed to providing educational and related services to the schools and shall fulfill its obligations to operate the schools when possible.

Professional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage shall be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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po4112

GOVERNING BOARD-STAFF COMMUNICATIONS

4112 - **GOVERNING BOARD-STAFF COMMUNICATIONS**

The Governing Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, shall, however, be through the Superintendent.

A. **Staff Communications to the Governing Board**

Communications from staff members to the Governing Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Governing Board.

B. **Governing Board Communications to Staff**

All official communications, policies, and directives of the Governing Board of staff interest and concern to the staff shall be communicated through the Superintendent, who shall also keep staff members fully informed of the Governing Board's concerns, and actions. Communications shall be submitted to and communicated by the Treasurer/CFO with respect to the Treasurer/CFO's staff.

C. **Social Interaction**

Since Governing Board members are not authorized to act on behalf of the Governing Board unless in open public session or when specifically vested with such authority, Governing Board members and members of the staff shall not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Governing Board Policy.

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po4113

CONFLICT OF INTEREST

4113 - **CONFLICT OF INTEREST**

Governing Board Policy 1130 applies to classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4120

EMPLOYMENT OF CLASSIFIED STAFF

4120 - **EMPLOYMENT OF CLASSIFIED STAFF**

As all Governing Board employees are exempt from civil service, all classified employees are employed under R.C. 3319.081.

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

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

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po4120.01

JOB DESCRIPTIONS

4120.01 - **JOB DESCRIPTIONS**

The Governing Board recognizes that it is essential for ESC and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for classified staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Governing Board shall maintain continuously a comprehensive, coordinated set of job descriptions for classified staff positions.

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po4120.04

EMPLOYMENT OF SUBSTITUTES

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Governing Board recognizes its responsibility to procure the services of substitute classified staff in order to prevent the interruption of the operation of the schools.

The Governing Board shall employ substitutes for the Superintendent's assignment as services are required to replace temporarily absent regular staff member and fill new positions. Such assignments shall be terminated when their services are no longer required.

Daily substitutes shall not earn sick leave nor be paid for days when students are not required to attend schools.

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po4120.10

JOB SHARING

4120.10 - **JOB SHARING**

Job sharing determinations shall be made by the Superintendent.

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Ohio Valley Educational Service Center

po4121

CRIMINAL HISTORY RECORD CHECK

4121 - **CRIMINAL HISTORY RECORD CHECK**

To the extent applicable, Governing Board Policy 1121 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4122.01

DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

Governing Board Policy 1422.01 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4123

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

4123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

Governing Board Policy 1623 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4131

REDUCTION IN STAFF

4131 - **REDUCTION IN STAFF**

Classified staff contracts shall be suspended in accordance with R.C. 3319.172.

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Ohio Valley Educational Service Center

po4139

STAFF DISCIPLINE

4139 - **STAFF DISCIPLINE**

The Governing Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and Applicable laws and regulations.

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po4140

TERMINATION AND RESIGNATION

4140 - **TERMINATION AND RESIGNATION**

The employment of a classified staff member may be terminated pursuant to R.C. 3319.081.

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

A classified staff member may resign in accordance with law and any applicable terms of his/her employment contract.

Nothing in this policy supersedes the ESC's reporting obligations as mandated by law.

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po4161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

4161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

Governing Board Policy 1461 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4162

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

4162 - **DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

Governing Board Policy 1462 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4170

SUBSTANCE ABUSE

4170 - **SUBSTANCE ABUSE**

Governing Board Policy 1470 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4200

STAFF ETHICS

4200 - **STAFF ETHICS**

Governing Board Policy 1200 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4211

WHISTLEBLOWER PROTECTION

4211 - **WHISTLEBLOWER PROTECTION**

Governing Board Policy 1411 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4213

STUDENT SUPERVISION AND WELFARE

4213 - **STUDENT SUPERVISION AND WELFARE**

Governing Board Policy 1613 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4214

STAFF GIFTS

4214 - **STAFF GIFTS**

Governing Board Policy 1214 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4215

TOBACCO USE PREVENTION

4215 - **TOBACCO USE PREVENTION**

Governing Board Policy 1615 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4216

STAFF DRESS AND GROOMING

4216 - **STAFF DRESS AND GROOMING**

Governing Board Policy 1616 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4217

WEAPONS

4217 - **WEAPONS**

Governing Board Policy 1617 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4220

EVALUATION OF CLASSIFIED STAFF

4220 - **EVALUATION OF CLASSIFIED STAFF**

The Governing Board recognizes the importance of implementing a program of classified staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Governing Board's evaluation plan for classified personnel are to:

A. improve and reinforce the skills, attitudes, and abilities which enable a classified staff member to be effective in achieving assigned job goals; and

B. identify and remediate weaknesses which prevent a classified staff member from achieving the goals of assigned duties.

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po4231

OUTSIDE ACTIVITIES OF STAFF

4231 - **OUTSIDE ACTIVITIES OF STAFF**

Governing Board Policy 1231 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4242

STAFF DEVELOPMENT

4242 - **STAFF DEVELOPMENT**

The Governing Board encourages the participation of classified staff members in in-service and other training programs.

The Superintendent may plan and implement a program of in-service training for classified staff members and explore other training programs.

The Governing Board may reimburse staff members for the costs incurred in participation therein, subject to prior approval of the Superintendent. However, under no circumstances shall staff members be reimbursed for the purchase of alcoholic beverages.

Participation in the program shall be voluntary unless considered part of the duties of any participating staff member.

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po4266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

4266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Governing Board Policy 1266 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4281

USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES

4281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT ESC FACILITIES**

Governing Board Policy 1481 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4362.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

Governing Board Policy 1662.01 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4362.02

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

4362.02 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

Governing Board Policy 1662.02 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4415

SEVERANCE

4415 - **SEVERANCE**

Non-Teaching Employees

Pursuant to R.C. 124.39(C), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for Non-Teaching Employees with a minimum of five (5) years of continuous, unbroken, uninterrupted service with the Governing Board upon retirement. Specifically, Non-Teaching Employees shall, upon separation from service with the Governing Board due to retirement after a minimum of five (5) years of continuous, unbroken, uninterrupted, service with the Governing Board, be paid one-fourth (.25) of the value of the employee's accrued but unused sick leave up to a maximum of forty-five (45) days.

All other Non-Teaching Employees shall be entitled to severance pay in accordance with R.C. 124.39 as applicable.

For non-educational assistants, payment of severance pay shall be based upon the Non-Teaching Employee's current calculated daily rate of base pay at the time of retirement multiplied by the applicable accrued but unused sick leave exclusive of supplemental pay.

For educational assistants, payment of severance pay shall be based upon the Non-Teaching Employee's current calculated daily rate of base pay at the time of retirement multiplied by the applicable accrued but unused sick leave exclusive of supplemental pay.

Pursuant to R.C. 124.39(C), if the Non-Teaching Employee dies during employment with the Governing Board, the Non-Teaching Employee's unused sick leave shall be paid in accordance with R.C. 2113.04 and applicable laws or to the Non-Teaching Employee's estate.

Payment of severance shall eliminate all obligations of the Governing Board from any further payment or restoration of sick leave unused.

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

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po4419.02

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

Governing Board Policy 1619.02 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4422

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPPORTUNITY

4422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Governing Board Policy 1422 applies to classified staff and shall be considered to be incorporated herein.

Ohio Valley Educational Service Center

po4430.01

FMLA LEAVE

4430.01 - **FMLA LEAVE**

Governing Board Policy 1630.01 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4432

SICK LEAVE

4432 - **SICK LEAVE**

Non-Teaching Employees

All full-time Non-Teaching Employees shall be granted sick leave at the rate of one and one-fourth (1.25) days per month in accordance with R.C. 124.38 and R.C. 3319.141 as applicable. Employees who work less than full-time shall be granted sick leave for the time actually worked at the rate of one and one-fourth (1.25) days per month. Employees who work full-time or part-time shall receive the following number of sick days per month:

Days Scheduled to Be Worked per Week	**Sick Days Received**
5 days (full-time)	1.25 days
4 days	1.00 day
3 days	0.75 day
2 days	0.50 day
1 day	0.25 day

Sick leave must be taken in increments of one-half (.5) or one (1) whole day. As needed, substitute, and per diem employees do not accumulate sick leave.

Sick leave may be used for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to

illness, injury, or death in the employee's immediate family. For absence of the employee due to illness or injury in the immediate family, immediate family is defined as spouse, child, parent, brother, sister, grandparents, and grandchildren. (“Child” includes biological, adopted, foster, and stepchildren as well as legal wards and children to whom the employee is acting “in loco parentis.”)

For the absence of the employee due to the death in the immediate family, immediate family is defined as parent, spouse, child, brother, sister, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, and any other relative of the employee as approved by the Superintendent. The exact number of days granted shall be determined by the familial relationship and the circumstances surrounding the death, but more than three (3) consecutive days require the Superintendent’s approval.

Newly hired full-time Non-Teaching Employees may be advanced five (5) sick leave days if requested, provided that all accumulated sick leave has been exhausted. In cases where sick leave is advanced, the Governing Board shall make a deduction for the unearned, advanced sick leave days from the final pay of the individual for that contract year.

In all absences, the employee must fill out a report of absence form and file it with the Superintendent or designee in order to be compensated. For absences of five (5) consecutive days or more, the employee must submit with the report of absence form a statement from the treating physician documenting the need for sick leave.

Unused sick leave shall be cumulative up to a maximum of 240 days.

New employees of the Governing Board who have previously been employed by a public agency not more than ten (10) years prior to their employment with the Governing Board and who have accrued sick leave balances under R.C. 124.38 and/or R.C. 3319.141 shall receive a credit for their existing balances up to 120 days.

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po4433

VACATION

4433 - **VACATION**

Non-Teaching Employees

Non-Teaching Employees who are employed at least two hundred forty (240) days per school year (i.e., July 1 to June 30) and have completed one (1) full month of employment are entitled to paid vacation leave at the rate of 1.67 days per month (20 days per year).

Vacation days may be accumulated up to a maximum of thirty (30) days.

Upon separation from employment, employees are entitled to payment for up to twenty-five (25) unused vacation leave at the prorated portion of the current year as required under Ohio law.

Employees requesting leave must submit the request for such leave to their immediate supervisor at least two (2) weeks in advance of the week or weeks in which the vacation leave is requested, unless otherwise approved by the Superintendent or Superintendent's designee.

Vacation must be taken in increments of one-half (.5) or one (1) whole day.

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po4436

PERSONAL LEAVE

4436 - **PERSONAL LEAVE**

Non-Teaching Employees

All Non-Teaching Employees who are scheduled to work for 120 or more days regardless of number of hours/days are entitled to up to three (3) days per year of paid personal leave, starting July 1 of each year, for the purpose of fulfilling legal or personal business that conflicts with the employee's regular work schedule. Personal leave must be taken in increments of one-half (.5) or one (1) whole day.

All Non-Teaching Employees are entitled to the following number of personal days according to the following start date of employment:

July, August, September – 3 days
October, November, December – 2 days
January, February, March – 1 day
April, May, June – 0 days

Unless otherwise approved by the Superintendent or designee, personal leave must be requested, in writing, at least five (5) calendar days in advance of the requested leave, except in the case of emergencies, and approved by the Superintendent or designee.

Effective July 1, 2019, personal leave shall not accumulate and must be used by June 30 of the contract year or it shall be converted to sick leave.

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po4439

HOLIDAY

4439 - **HOLIDAY**

Non-Teaching Employees

All Non-Teaching Employees shall be entitled to paid holidays in accordance with R.C. 3319.087 and applicable laws. Under the sole discretion of the Superintendent, twelve-month Non-Teaching Employees may be granted floating paid holidays on dates to be determined by the Superintendent only.

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po4440

JOB-RELATED EXPENSES

4440 - **JOB-RELATED EXPENSES**

Governing Board Policy 1440 applies to the classified staff and shall be considered incorporated herein.

Ohio Valley Educational Service Center

po4531

UNAUTHORIZED WORK STOPPAGE

4531 - **UNAUTHORIZED WORK STOPPAGE**

The Governing Board is obligated and committed to provide certain basic services to students participating in ESC programs. Therefore, if the schools are open and students are in attendance, those basic services shall be provided.

Recognizing the fact that an ESC, for various reasons, may experience an unauthorized work stoppage, the Governing Board remains committed to providing educational and related services to the schools and shall fulfill its obligations to operate the schools, when possible.

Classified staff members who fail to perform their normal duties when so required as part of an unauthorized work stoppage shall be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Governing Board and the laws of the State.

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po5112

ENTRANCE REQUIREMENTS

5112 - **ENTRANCE REQUIREMENTS**

The Governing Board establishes the following entrance age requirements for students, which are consistent with statute and sound educational practice, and directs that all eligible students be treated in an equitable manner.

Preschool

A child is eligible for entrance into preschool if s/he attains the age of three (3) on or before September 30 of the year in which s/he applies for entrance and has not yet attained the age at which s/he shall be admitted to kindergarten.

Required Documents

The Superintendent shall require that each child who registers for entrance to school provide:

A. His/her birth certificate or similar documentation authorized by law as proof of age and birthdate. Acceptable forms of documentation include the following: foreign birth certificate; religious, hospital, or physician's certificate showing date of birth; entry in a family bible; baptismal record; adoption record; affidavit from a parent; previously verified school records; or other documents permitted by law.

B. A certified copy of any custody order or decree together with any modification in such an order or decree.

If such documents are not provided, the child may be admitted under the Superintendent's guidelines. Appropriate law enforcement authorities shall be notified in the event that required documents are not provided in accordance with the provisions of R.C. 3313.672. However, a child who is placed in a foster home or residential facility (i.e., a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four (24) hour childcare, county children's home, or ESC children's home) shall 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 shall 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 shall be so informed at the time of the child's initial admission.

Any parent may provide the ESC with a written statement indicating that s/he does not wish to have his/her child screened.

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po5136

PERSONAL COMMUNICATION DEVICES

5136 - **PERSONAL COMMUNICATION DEVICES (Ohio D.E.W. Model)**

To support school environments in which students can fully engage with their classmates, their teachers, and instruction, the Governing Board of Education of The Ohio Valley Educational Service Center has determined the use of cell phones by students during school hours should be limited. The objective of this policy is to strengthen The Ohio Valley Educational Service Center's focus on learning, in alignment with our mission to ignite students' passion for learning, cultivate a strong foundation of knowledge, and foster a sense of community within our schools.

I. Research

Research shows that student use of cell phones in schools has negative effects on student performance and mental health. Cell phones distract students from classroom instruction, resulting in smaller learning gains and lower test scores. Increased cell phone use has led to higher levels of depression, anxiety, and other mental health disorders in children.

II. Applicability

This policy applies to the use of cell phones by students while on school property during school hours.

III. Use of cell phones

Students are prohibited from using cell phones at all times.

IV. Exception

Nothing in this policy prohibits a student from using a cell phone for a purpose documented in the student's individualized education program developed under Chapter 3323 of the Ohio Revised Code or a plan developed under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. A student may use a cell phone to monitor or address a health concern.

V. Cell phone storage

Students shall keep their cell phones in a secure place, such as the student's locker, a closed backpack, or a storage device provided by the district, at all times when cell phone use is prohibited.

VI. Discipline

If a student violates this policy, a teacher or administrator shall take the following progressively serious disciplinary measures ***(check all that apply)***:

A. Give the student a verbal warning and require the student to store the student's cell phone in accordance with this policy.

B. Securely store the student's cell phone in a teacher- or administrator-controlled locker, bin, or drawer for the duration of the class or period.

C. Place the student's cell phone in the school's central office for the remainder of the school day.

D. Place the student's cell phone in the school's central office to be picked up by the student's parent or guardian.

E. Schedule a conference with the student's parent or guardian to discuss the student's cell phone use.

po5200

ATTENDANCE

5200 - **ATTENDANCE**

Student attendance at ESC educational services/schools/programs is governed by the home school's policies, administrative guidelines, and applicable rules and regulations.

The educational program offered by this Educational Service Center ("Center") is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Absences for any reason, whether excused or unexcused, reduce instructional time and have an adverse impact on student learning. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session or during the attendance sessions to which a student has been assigned.

A student in grades 9 through 12 may be considered a full-time equivalent student provided the student is enrolled in at least five (5) units of instruction, as defined by applicable laws and regulations, per school year.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The Governing Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Governing Board policy on attendance may result in suspension or expulsion.

The Governing Board considers the following factors to be reasonable excuses for time missed at school:

A. Personal illness (a written physician's statement verifying the illness may be required);

B. Appointment with a health care provider;

C. Illness in the family necessitating the presence of the child;

D. Quarantine of the home;

E. Death in the family;

F. Necessary work at home due to absence or incapacity of parent(s)/guardian(s);

G. attendance at a driver's education course for up to two (2) hours on no more than four (4) days (limited to a total of eight (8) hours during the school year), provided that the absence does not occur during a core curriculum subject course;

H. religious expression days, up to three (3) of which may, after approval by the principal in accordance with this policy, permit the student to be absent without any academic penalty;

I. Out-of-state travel (up to a maximum of four (4) days per school year) to participate in an ESC-approved enrichment or extracurricular activity (any classroom assignment missed due to the absence shall be completed by the student);

J. Such good cause as may be acceptable to the Superintendent;

K. Medically necessary leave for a pregnant student in accordance with Governing Board Policy 5751;

L. College visitation in which the ESC requires verification of the date and time of the visitation by the college, university, or technical college;

M. Absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status; and

N. Absences due to a student being homeless.

Attendance need not always be within the school facilities, but a student shall be considered to be in attendance if present at any place where school is in session by authority of the Governing Board.

The Governing Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that the student reports to such staff member the student is assigned for guidance at the place in which the student is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

The Superintendent may excuse a student over fourteen (14) years of age from attendance at school for a future limited period for the purpose of performing essential work directly or exclusively for the student's parents or guardians. Such excuse should not exceed five (5) days and may, at the discretion of the Superintendent, be renewed for five (5) additional days. At no time, however, shall such excuse cause a student to be absent from school for a period of more than ten (10) consecutive days.

At the discretion of the Superintendent or 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. (The Superintendent may request a certificate of a physician attesting to the physical condition of the parent or guardian.)

Contacting the Parent/Guardian of an Absent Student

When a parent, guardian, or other person having care of a student has failed to initiate a telephone call or other communication notifying the school or building administration of the student's excused or unexcused absence within one hundred twenty (120) minutes after the beginning of the school day, the attendance officer or designee for each school building shall make at least one (1) attempt to contact the parent, guardian, or other person having care of any student who is recorded as absent without legitimate excuse within one hundred twenty (120) minutes after the beginning of each school day by a method designated by the Superintendent in accordance with Ohio law.

A student may have an excused absence for medical reasons, such as personal illness or medical visit, subject to the following rules. A student may have up to ten (10) medically excused absences without a doctor's note, but with a phone call from a parent/guardian. This policy will be extended beyond ten (10) days if the student or someone in the student's family is in quarantine due to a recognized pandemic/epidemic (e.g., COVID-19) or experiencing symptoms of the pandemic/epidemic. A medical excuse for personal illness will be accepted in the form of a doctor's note within five (5) school days of the absence or parent call-in on the day of the absence due to illness or doctor's visit.

Attendance at a Driver's Education Course

The Center will excuse a high school student from school to attend a driver's education course that is approved by the Director of Public Safety in accordance with Chapter 4508 of the Revised Code. The student may be absent for up to two (2) hours per day

on no more than four (4) days during the school year (limited to a total of eight (8) hours), provided that the absence does not occur during a core curriculum subject course. The Board deems all graded courses to be core curriculum including, but not limited to, courses that have State-approved learning standards. Days missed do not need to be consecutive.

Students who miss school to attend a driver's education course are required to complete any missed classroom assignments.

Religious Expression Days

The Principal will approve up to three (3) religious expression days per school year after receiving a written request from the student's parent or guardian. Religious expression days may be used to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. Students who are absent on approved religious expression days will not face any academic penalties and will be provided with academic accommodations with regard to examinations and other academic requirements that are missed.

To receive accommodations for religious expression days, parents or guardians must submit written requests to the Principal within fourteen (14) days after the start of the school year or fourteen (14) days after a student is enrolled in the Center. The requests must specify the religious expression day(s) to be approved. The Principal will approve the days without inquiring into the sincerity of a student's religious or spiritual belief system. However, the Principal may verify the authenticity of a request by contacting the parent or guardian to confirm they signed it. The Principal may deny the request for religious expression days if the parent or guardian indicates that the signature is not authentic. Once the days have been approved, the Principal will ensure that each teacher schedules a time and date for alternative examinations or other academic requirements that conflict with the student's absence. Students may participate in interscholastic athletics or other extracurricular activities on days in which the student is absent for religious expression.

The Center has adopted the following procedure for a student, parent, or guardian to notify the Center of any grievance with regard to the implementation of this policy. A grievance must be submitted in writing to the Superintendent. The Superintendent will review the grievance and issue a written determination of whether the policy has been violated. The decision of the Superintendent is final and not subject to further appeal.

The Center will notify parents and guardians annually about this policy and the procedures that they must follow to request accommodations for religious expression days.

The policy will be placed in a prominent location on the Center's website and will include the contact information for an individual who can provide further information about the policy. The Center will also publish a non-exhaustive list of major religious holidays, festivals, and religious observations. The list will be provided whenever the policy is posted, printed, or distributed, and will be accompanied by a statement that declares the list is non-exhaustive and may not be used to deny accommodations to a student for a holiday, festival, or observation that is not included in the list. Nothing in this policy, and no inclusion or exclusion of a religious holiday or festival on the list posted by a Center, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system.

Revised 12/19/24

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po5215

MISSING AND ABSENT CHILDREN

5215 - **MISSING AND ABSENT CHILDREN**

It is the interest of this Governing Board to cooperate with local, State, and National efforts to decrease the number of missing children.

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po5230

LATE ARRIVAL AND EARLY DISMISSAL

5230 - **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the ESC.

The Governing Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this ESC, the Governing Board shall require that the school be notified in advance of such absences by written request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the building principal/program manager.

If one (1) parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school shall presume that the student may be released into the care of either parent.

No student who has a medical disability that may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

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po5310

HEALTH SERVICES

5310 - **HEALTH SERVICES**

The Governing Board may require students of the Educational Service Center to submit to periodic health examinations.

The Educational Service Center may provide or request parents to provide vision and/or audiometric screening.

The Governing Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student or other students.

The term “invasive physical examination” means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Unless the physical examination or screening is permitted or required by an applicable laws and regulations, parents may refuse to allow the Governing Board to administer a nonemergency, invasive physical examination, or screening upon written notification to the Governing Board within five (5) days after receipt of the Board’s annual public notice.

Concussion

To the extent applicable, any student who has been removed from a physical education class, or athletic practice, or competition by a teacher, coach, or referee because the student is exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any physical education class, athletic practice, or competition for which the teacher, coach, or referee is responsible on the same day the student is removed. Thereafter, the student shall not be permitted to return to the activity for which the teacher, coach, or referee is responsible until both of the following occur:

A. The student's condition is assessed by (1) a physician; (2) a licensed healthcare professional authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student; or (3) a licensed health care professional, each of whom must meet the minimum education requirements established by rules adopted under R.C. 3707.521 by the professional's licensing agency.

B. The student receives written clearance that it is safe to return to physical education class, athletic practice, or competition from the physician or the licensed healthcare professional who assessed the student's condition.

Provision of Feminine Products

The ESC shall provide access to free feminine hygiene products in school buildings serving grades six (6) through twelve (12).

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po5320

IMMUNIZATION

5320 - **IMMUNIZATION**

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Governing Board requires all students to be immunized (or in the process of being immunized) against poliomyelitis, measles (aka rubeola), diphtheria, rubella (German measles), pertussis, tetanus, mumps, and other diseases legally designated in accordance with State statutes, unless specifically exempt for medical or other reasons (see below). The Board further requires that students enrolled in grades seven (7) through twelve (12) be immunized against meningococcal disease in accordance with the administration procedures prescribed by the Ohio Department of Health (see AG 5320). This policy pertains to both students who currently attend school in the Educational Service Center ("Center") and those eligible to attend.

“In the process of being immunized” means the student has received at least the first dose of the immunization sequence and presents written evidence to the Superintendent or building administrator of each subsequent dosage required to obtain immunization at the intervals prescribed by the Director of Health. Any student 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 school on the 15th day of the following school year. Any student so excluded shall be readmitted upon showing evidence to the Superintendent or building administrator of progress on the Director of Health's interval schedule.

A student does not have to be vaccinated against a disease if any of the following apply:

A. The student presents a signed statement from a parent, guardian or physician indicating the student has had measles, mumps, or chicken pox and does not need to be immunized.

B. A physician certifies in writing that immunization from a particular disease is medically contraindicated.

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

In the case of a chicken pox epidemic in the school's population, the Superintendent may deny admission to a student otherwise exempted from the chicken pox immunization requirement. The Superintendent shall prescribe methods whereby the academic standing of a student who is denied admission during a chicken pox epidemic is preserved. The denial of admission shall cease when the epidemic no longer exists.

A student who has not completed immunization may not be admitted to school, except as is consistent with the law.

Any immunization program conducted by this Center requires prior approval of the Board and can only extend to those immunizations provided for by statute and the guidelines of this Board.

The Board shall keep an immunization record for each student, available in writing to the student's parent or guardian upon request.

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po5330

USE OF MEDICATIONS

5330 - **USE OF MEDICATIONS**

The Governing Board shall not be responsible for the diagnosis and treatment of student illness. With the exception of diabetes care covered under Governing Board Policy 5336, the administration of prescribed medication and/or medically-prescribed treatments to a student during school hours shall be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from the educational program.

For purposes of this policy, “medication” shall include all medicines including those prescribed by a licensed health professional authorized to prescribe drugs and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Over-the-counter drug" means a drug, as defined in section 4729.01 of the Revised Code, that may be legally sold without a prescription and that is administered without the instruction of a prescriber. "Prescription drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription. “Treatment” refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any prescribed medication (i.e., a drug) or treatment may be administered to any student during school hours, the Governing Board shall require a written statement from a licensed health professional authorized to prescribe drugs (“prescriber”) accompanied by the written authorization of the parent. These documents shall be kept on file in the health center office and made available to the persons designated by this policy as authorized to administer medication or treatment. A copy of the parent’s written request and authorization and the prescriber’s written statement shall be given, by the next school day following the ESC’s receipt of the documents, to the person authorized to administer drugs to the student for whom the authorization and

statement have been received. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule shall be considered violations of Governing Board Policy 5530 - Drug Prevention and of the Student Code of Conduct/Discipline Code.

In the case of non-prescribed (over-the-counter) medications, the same procedures as outlined above are to be followed with the exception of those procedures referring to the written statement from a licensed health professional. The Governing Board shall require only a written authorization of the parent to administer non-prescribed (over-the-counter) medication. The parent is responsible for complying with all procedures in lieu of the prescriber and assumes liability for any harm to the student arising from the administration of the non-prescribed medication.

For prescription drugs, only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. Over-the-counter drugs must be provided and maintained in the original manufacturer's packaging. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place, unless the medications require refrigeration in which case they shall be stored in a refrigerator in a place not commonly used by students, and unless the medication to be administered is seizure or diabetes medication, which may be kept in an easily accessible location pursuant to this Policy and/or Policy 5336.

Parents may administer medication or treatment but only in the presence of a designated ESC employee, with the exception of diabetes care covered under Governing Board Policy 5336.

Additionally, students may administer medication or treatment to themselves, if authorized in writing by their parents and a licensed health professional authorized to prescribe drugs but only in the presence of a designated ESC employee, with the exception of students authorized to attend to their diabetes care and management pursuant to Governing Board Policy 5336.

However, students shall be permitted to carry and use, as necessary, an asthma inhaler, provided the student has prior written permission from the student's parent and physician.

Additionally, students shall be permitted to carry and use, as necessary, an epinephrine auto-injector to treat anaphylaxis, provided the student has prior written approval from the prescriber of the medication and the student's parent/guardian, if the student is a minor, and has submitted written approval. The parent/guardian or the student shall provide a back-up dose of the medication to the principal/program manager or school nurse. This permission shall extend to any activity, event, or program sponsored by the school or in which the school participates. In the event epinephrine is administered by the student or an ESC employee at school or at any of the covered events, an ESC employee shall immediately request assistance from an emergency medical service provider (911). Students with diabetes authorized to attend to their diabetes care and management may do so in accordance with Governing Board Policy 5336.

Students may possess a drug prescribed to the student to prevent the onset of a seizure or to alleviate the symptoms of a seizure, provided that the student has prior written approval from the student’s physician, and if the student is a minor, the written approval of the student’s parent or guardian (Form 5330 F5 - Authorization for the Possession and Use of Seizure Medications). Copies of the written approvals must be provided to the Principal and any school nurse assigned to the building. This permission shall extend to any activity, event, or program sponsored by the school or in which the school participates.

With the exception of diabetes care covered under Governing Board Policy 5336, only employees of the Governing Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Governing Board may administer prescription drugs to students in school.

With the exception of diabetes care covered under Governing Board Policy 5336, provided they have completed the requisite training, the following staff are authorized to administer prescription and over-the-counter medication and treatment to students:

A. principal/program manager;

B. school nurse;

C. building secretary; and

D. others as designated by student's IEP and/or 504 plan.

Individuals who administer medications designed to prevent the onset of seizures or alleviate the symptoms of a seizure will receive training regarding the circumstances under which the drug is to be administered to the student and how it should be administered. They will also receive a copy of the written approval issued by the student's physician.

No employee shall be required to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

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po5335

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

5335 - **CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**

Students with chronic health conditions shall be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they shall be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e., the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions shall be provided pursuant to a Section 504 Plan.

Chronic health conditions, for the purposes of this policy, shall include:

A. food allergies including, but not limited to, peanut allergies;

B. non-food-based allergies;

C. asthma; and

D. diabetes.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Board Policy 8330 and Board Policy 8350.

The District shall coordinate school health practices for management of a chronic health condition and shall provide for:

A. identification of individuals with chronic health conditions;

B. development of individual health care action plans;

C. coordination of health care management activities by school staff;

D. communication among school staff who interact with children with chronic health conditions;

E. development of protocols to prevent exposure/episodic reactions; and

F. awareness and training of school staff regarding Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in “unusual” situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;

B. modified activities as indicated by the student’s health care action plan, 504 plan, or Individualized Education Program (IEP);

C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity; and

D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities shall include:

A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;

B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;

C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications in accordance with Board Policy 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional, and approved by parents/guardians;

E. prevention strategies to avoid causal elements;

F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions; and

G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school related activity or event.

Staff shall be trained about chronic health conditions and their control in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, by a licensed health professional.

The school nurse shall maintain a copy of the training program and the records of training completed by District employees.

As prescribed by R.C. 3313.719, this policy has been developed in consultation with parents, school nurses and other school employees, school volunteers, students, and community members.

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po5336

CARE OF STUDENTS WITH DIABETES

5336 - **CARE OF STUDENTS WITH DIABETES**

The Governing Board is committed to ensuring that each student enrolled in the Educational Service Center ("Center") who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner.

The diabetes care to be provided includes any of the following:

A. checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;

B. responding to blood glucose levels that are outside of the student's target range;

C. in the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;

D. administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;

E. providing oral diabetes medications;

F. understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's treating practitioner's order;

G. following the treating practitioner's instructions regarding meals, snacks, and physical activity; and

H. administering diabetes medication, as long as the conditions described below are satisfied.

Within fourteen (14) days after the Center receives an order signed by the student's treating practitioner, the Governing Board will inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a Section 504 Plan regarding the student's diabetes. The Governing Board will use the 504 plan information sheet developed by the Ohio Department of Education to provide such notification.

With regard to the administration of diabetes medication:

A. The diabetes medication may be administered by a school nurse, or in the absence of a school nurse, such medication can be administered by a Center employee who is trained in diabetes care. Such training must comply with the Ohio Department of Education's training guidelines, which address the following issues:

1. recognizing the symptoms of hypoglycemia and hyperglycemia;

2. the appropriate treatment for a student who exhibits the symptoms of hypoglycemia or hyperglycemia;

3. recognizing situations that require the provision of emergency medical assistance to a student;

4. understanding the appropriate treatment for a student, based on an order issued by the student’s treating practitioner, if the student’s blood glucose level is not within the target range indicated by the order;

5. understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;

6. performing blood glucose and ketone tests for a student in accordance with the student's treating practitioner's order and recording the results of those tests;

7. administering insulin, glucagon, or other medication to a student in accordance with the student's treating practitioner's order and recording the results of the administration; and

8. understanding the relationship between the diet recommended in a student's treating practitioner's order and actions that may be taken if the recommended diet is not followed.

The training must also comply with the following additional requirements:

1. The training must be coordinated by a school nurse, or if the school does not employ a school nurse, a licensed health care professional (e.g., a medical or osteopathic doctor, a registered nurse, advanced practice registered nurse, a licensed practical nurse, or physician's assistant) with expertise in diabetes who is approved by the Center to provide the training.

2. The training will take place prior to the beginning of each school year or as needed, not later than fourteen (14) days after the Board receives an order signed by the treating practitioner of a student with diabetes.

3. Upon completion of the training, the Board will determine whether each trained employee is competent to provide diabetes care.

4. The school nurse or approved licensed health care professional with expertise in diabetes care will promptly provide all necessary follow-up training and

supervision to an employee who receives training.

B. The Principal of a school attended by a student with diabetes will distribute a written notice (see Form 5336 F1) to each employee containing the following information:

1. A statement that the school is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care.

2. A description of the tasks to be performed.

3. A statement that participation is voluntary and that the Center will not take action against an employee who does not agree to provide diabetes care, including that the employee will not be penalized or disciplined for refusing to volunteer to be trained in diabetes care.

4. A statement that training will be provided by a licensed health care professional with expertise in diabetes to an employee who agrees to provide care.

5. A statement that a trained employee will not be subject to disciplinary action by the Governing Board for providing care or performing duties to students with diabetes.

6. A statement that a trained employee is immune from liability for damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this Policy (unless the act or omission constitutes willful or wanton misconduct).

7. The name of the individual to contact if an employee is interested in providing diabetes care.

The school nurse and/or the school employee can only administer diabetes medication as described above if the requirements of Policy 5330 are met.

A student's diabetes medication will be kept in an easily accessible location.

A student with diabetes will be permitted to attend to the student's diabetes care and management, in accordance with the student's treating practitioner's order, during regular school hours and school-sponsored activities only if:

A. the student's parent, guardian, or other person having care or charge of a student provides a written request that the student be permitted to attend to the student's diabetes care and management while at school (see Form 5330 F1); and

B. the student's treating practitioner has authorized such self-care and determined that the student is capable of performing diabetes care tasks (see Form 5330 F1).

A student with diabetes is permitted to perform diabetes care tasks in a classroom, in any area of the school or school grounds, and at any school-related activity. The student must have access to a private area for performing diabetes care tasks if the student or the student's parent, guardian, or other person having care or charge of a student makes such a request.

A student with diabetes is permitted to possess on the student's self at all times all necessary supplies and equipment to perform diabetes care tasks. If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the Board will revoke the student's permission to attend to the care and management of the student's diabetes.

The Governing Board will provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following:

A. a Center employee who has primary responsibility for supervising a student with diabetes during some portion of the school day, and

B. a bus driver employed by the Governing Board who transports a student with diabetes.

By December 31 of each year, the Board will report to the Ohio Department of Education the following information regarding students with diabetes:

A. the number of students with diabetes enrolled in the Center during the previous school year, and

B. the number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

In accordance with Ohio law, the Governing Board and its members and school employees shall not be liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from providing care or performing duties under this Policy unless the act or omission constitutes willful or wanton misconduct. Additionally, a school nurse or other licensed health care professional shall be immune from disciplinary action by the Board of Nursing or any other regulatory board for providing care or performing duties under this Policy if the care provided or duties performed are consistent with applicable professional standards.

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po5337

CARE OF STUDENTS WITH ACTIVE SEIZURE DISORDERS

5337 - **CARE OF STUDENTS WITH ACTIVE SEIZURE DISORDERS**

The Governing Board is committed to ensuring that each student enrolled in the Educational Service Center ("Center") who has an active seizure disorder receives appropriate and needed care in accordance with an order signed by the student's treating practitioner.

The school nurse or another designated employee of the Center will create an individualized seizure action plan for each student with an active seizure disorder diagnosis. The plan will be developed in collaboration with a student's parent or guardian and the student, when appropriate. The plan will include the following:

A. a written request signed by the parent, guardian, or other person having the care or charge of the student to have one (1) or more drugs prescribed for a seizure disorder administered to the student;

B. a written statement from the student's treating medical practitioner that provides the drug information required by State law and Board policy for each drug prescribed and administered to the student;

C. any other component required by the State Board of Education.

The term *treating practitioner* means a properly licensed physician, advanced practice registered nurse, or physician's assistant who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, legal

guardian, or other person having care or charge of the student, or if the student is eighteen (18) years of age, by the student.

Individual seizure action plans are only valid for the school year in which they are written and shall be renewed at least annually at the beginning of each school year. A physical copy of the plan will be maintained in the office of the school nurse, or with a building administrator if the center does not employ a full-time nurse.

The school nurse, or the building administrator if the Center does not have a school nurse, will provide written notice summarizing the existence and content of the plan to all school employees, contractors, and volunteers who regularly interact with the student, have a legitimate educational interest in the student, are responsible for the direct supervision of the student, or provide transportation to the student to and from school or a school-related activity. The notice and the seizure plan will be maintained confidentially in accordance with Board policy and State law.

The school nurse or a building administrator will coordinate the student's care while at school and school-related activities and will ensure that appropriate staff, contractors, and volunteers who receive notice of the plan are also trained in the care of students with seizures. The nurse or a building administrator will also identify each individual who has received training to administer drugs prescribed for the treatment of seizure disorders.

The Superintendent will designate at least one (1) employee who does not serve as the school nurse for each school building operated by the Board to be trained every two (2) years on the implementation of seizure action plans. The Board will make arrangements for the training, which will include and be consistent with guidelines and best practices established by a nonprofit organization selected by the Department of Education that supports the welfare of individuals with epilepsy and seizure disorders. The training will address all of the following topics:

A. recognizing the signs and symptoms of a seizure;

B. the appropriate treatment for a student who exhibits the symptoms of a seizure; and

C. administering drugs prescribed for seizure disorders in accordance with State law.

The training will not exceed one (1) hour in length and will qualify as a professional development activity for the renewal of an educator license. If the training is provided to the Center on portable media by a nonprofit entity, the training shall be provided free of charge.

Additionally, the Board shall require each person it employs as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one (1) hour of self-study or in-person training on seizure disorders. All employees who are employed as of October 3, 2023 will complete the training within twenty-four (24) months after that date. Thereafter, newly hired employees will complete the training within ninety (90) days. The training will qualify as a professional development activity for the renewal of an educator license.

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po5340

STUDENT ACCIDENTS

5340 - **STUDENT ACCIDENTS**

The Governing Board believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administrative personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The Superintendent shall include the reporting of accidents, when appropriate.

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po5341

EMERGENCY MEDICAL AUTHORIZATION

5341 - **EMERGENCY MEDICAL AUTHORIZATION**

Annually, before the first day of October, the Governing Board shall distribute to parents or guardians of all students the Emergency Medical Authorization Form. Thereafter, the Governing Board shall, within thirty (30) days after the entry of any student for the first time into a public school in this State, provide the child's parent with a copy of the Emergency Medical Authorization Form.

When the Form is returned to the ESC, the ESC shall keep the Form on file, and shall send the Form to any school to which the student is transferred. Upon request of the student's parent, the ESC may permit the parent to make changes in a previously filed Form, or to file a new Form.

In the event emergency medical treatment for a student is necessary, the ESC shall adhere to the instructions on the authorization form. If a parent refuses to grant consent for emergency medical treatment, the parent shall indicate in the proper place on the Form the procedure the parent wishes school authorities to follow in the event of a medical emergency involving his/her child.

Even if a parent grants consent for emergency medical treatment, when a student becomes ill or is injured and requires emergency medical treatment while under school authority, or while engaged in an extra-curricular activity authorized by the appropriate school authorities, the building administrator(s) shall make reasonable attempts to contact the parent before treatment is given. The school representative shall present the student's Emergency Medical Authorization Form or a copy thereof to the hospital or practitioner rendering treatment.

The Emergency Medical Authorization Form shall be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the ESC to participate in a school event, the staff in charge of the event shall take the Emergency Medical Authorization Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Staff members shall abide by any "Do Not Resuscitate" (DNR) order that may exist for a student, unless ordered otherwise by a court of law. Staff members may always call 911 to seek medical assistance regardless of whether the DNR order exists or not. If a DNR order exists, staff members should produce the DNR order to the emergency responder.

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po5350

STUDENT HEALTH, WELL-BEING, AND SUICIDE PREVENTION

5350 - **STUDENT HEALTH, WELL-BEING, AND SUICIDE PREVENTION**

The Governing Board recognizes the importance of addressing the emotional and physical safety of students and staff in order to create and maintain safe and supportive learning environments. Comprehensive mental health and wellness initiatives are key to providing that students are in school, healthy, ready to learn, and prepared for success.

The Educational Service Center's ("Center") comprehensive mental health and wellness initiatives will include supports and services that promote:

A. Positive school climate;

B. Social skills;

C. Mental health and well-being;

D. Support for students and staff; and

E. Trauma-informed and restorative practices.

The Center shall implement specific strategies to promote school safety, including student instruction, anonymous reporting systems, threat assessment teams,

emergency management plans, and staff training.

In accordance with law, the Board will provide appropriate instruction to all students in grades Kindergarten through six (6) on the nutritive value of foods, the harmful effects of and legal restrictions on the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices. The Board shall also provide training on personal safety, sexual abuse prevention, and assault prevention to all students in grades Kindergarten through six (6).

The Board will also provide developmentally appropriate training for grades seven (7) through twelve (12) in dating violence prevention education and sexual violence prevention education. The training will include instruction in recognizing dating violence warning signs and characteristics of a healthy relationship.

Students will receive health education instruction that includes instruction about prescription opioid abuse and prevention. An emphasis will be placed on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin. Instruction will also be provided on the process of making an anatomical gift, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation.

The Center will include at least one (1) hour (or a standard class period) of evidence-based instruction for students in grades six (6) through twelve (12) in each of the following topics:

A. suicide awareness and prevention;

B. safety training and violence prevention; and

C. social inclusion.

The Board shall use an approved, evidence-based program to meet these requirements. Instruction may be provided in health education or in another subject, during student assemblies, through digital learning, and homework assignments to satisfy the instruction requirement. Upon written request of a parent/guardian, a student will be excused from instruction in these areas.

All school personnel should be alert for students who exhibit signs of unusual mental health-related behavior or who threaten or attempt self-injury or suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

Staff Training

In accordance with Policy 8462, mental health employees, counselors, teachers, administrators, school psychologists, school nurses, and other designated staff shall receive professional development training in accordance with the Board-adopted curriculum that includes the risk factors, warning signs, and resources regarding youth suicide awareness and prevention at least every two (2) years.

The Board shall adopt or adapt an evidence-based awareness and prevention curriculum approved by the Ohio Department of Education and Workforce ("DEW"), or alternatively will utilize a suicide awareness and prevention curriculum that has been developed in consultation with public or private agencies/persons involved in youth suicide awareness and prevention and that has been approved by the DEW.

Throughout any intervention, it is essential that Board policies regarding confidentiality be observed at all times.

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po5500

STUDENT CONDUCT

5500 - **STUDENT CONDUCT**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to disciplined students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community. The Governing Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this ESC.

Academic Honesty

The Board values honesty and expects integrity in the Center's students. Violating academic honesty expectations erodes the trust between teachers and students as well as compromises the academic standing of other students. So that each student learns the skills being taught and is judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in any manner.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work or the original work of a group of students for group projects. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

A. plagiarism (of ideas, work, research, speech, art, music, etc.);

B. forgery of another's work;

C. presenting the results that are the product of an artificial intelligence ("AI") platform as one's own where the use of AI was not specifically allowed by the teacher as part of the assignment;

D. downloading or copying information from other sources and presenting it as one's own;

E. using language translation work of someone else or using technology when the expectation is doing one's own translation;

F. copying another person's work;

G. allowing another person to copy one's own work;

H. stealing another person's work;

I. doing another person's work for them;

J. distributing copies of one's work for use by others;

K. distributing copies of someone else's work for use by others for academic gain or advantage;

L. intentionally accessing another's work for the purpose of presenting it as one's own for academic gain or advantage;

M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.;

N. distributing or receiving questions from quizzes, tests, assessments, etc..

Use of Artificial Intelligence Tools For School Work

To ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence ("AI") tools is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct. (See Policy 7540.09 - Artificial Intelligence ("AI"))

Notwithstanding the preceding, students can use AI tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI tools for the following uses:

A. Research assistance: AI tools can be used to help students quickly and efficiently identify background information, including locating relevant information and sources for their school projects and assignments, suggesting research questions, providing opposing viewpoints, identifying unseen aspects, and suggesting other perspectives.

B. Data Analysis: AI tools can be used to help students with pattern identification and to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. Language translation: AI tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language. AI tools can also remove abstract language from a text, adjust text complexity, and provide background information about a culture to help a student understand texts.

D. Writing assistance: AI tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.

E. Accessibility: AI tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts, and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material).

When AI tools are used responsibly and effectively, they can help to supplement, not replace, traditional learning methods. If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher.

In accordance with their teacher's direction, students are required to cite/identify work generated/created with the use of AI tools and explain/demonstrate how the AI tools were used in the creation of the work.

Staff and Administration have the responsibility for monitoring students' work for compliance with this policy.

All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in Center schools regarding academic integrity. Such education shall reference this Board policy.

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy will result in additional disciplinary consequences in accordance with the Student Code of Conduct.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made based on the appeals process documented in the student handbook.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Governing Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Governing Board, or conduct that, regardless of where it occurs, is directed at a Governing Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct/Student Discipline Code. This Student Code of Conduct/Student Discipline Code shall be reviewed periodically.

Ohio Valley Educational Service Center

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DRESS AND GROOMING

5511 - **DRESS AND GROOMING**

The Governing Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Governing Board shall not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. The Governing Board authorizes the Superintendent to establish a reasonable dress code in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes, and shall establish the dress requirements for members of school groups when representing the ESC at a public event.

Students who violate the foregoing rules shall be subject to disciplinary action and may be suspended from school.

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TOBACCO USE PREVENTION

5512 - **TOBACCO USE PREVENTION**

The Governing Board is committed to providing students, staff, and visitors with an indoor tobacco, nicotine, vapor/aerosol, and smoke-free environment. The negative health effects of tobacco use for both the users and nonusers, including the effects of secondhand smoke and vapor/aerosol exposure, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco or nicotine (including synthetic nicotine), in addition to papers used to roll cigarettes, and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices for burning tobacco or any other substance.

The term “tobacco” includes any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah; but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

The Governing Board prohibits the possession, consumption, purchase or attempt to purchase, and/or use of tobacco or tobacco substitute products by students on Governing Board premises, in Governing Board-owned vehicles, within any indoor facility owned, leased, or contracted for by the Governing Board and/or used to provide education or library services to children, and at all Governing Board-sponsored events.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Governing Board.

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po5513

CARE OF SCHOOL PROPERTY

5513 - **CARE OF SCHOOL PROPERTY**

The Governing Board believes that the schools should help students learn to respect property.

The Governing Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Governing Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings.

A reward may be offered by the Governing Board for the apprehension of any person who vandalizes school property.

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po5514

USE OF BICYCLES

5514 - **USE OF BICYCLES**

The Governing Board regards the use of bicycles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others. The Governing Board shall permit the use of bicycles by students. The Governing Board shall not be responsible for bicycles which are lost, stolen, or damaged.

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po5515

USE OF MOTOR VEHICLES

5515 - **USE OF MOTOR VEHICLES**

The Governing Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others – and an assumption of liability on the part of those students and their parent(s).

The Superintendent shall develop rules for the operation and parking of motor vehicles by students which shall include the requirement that students are licensed drivers.

The Governing Board shall not be responsible for motor vehicles which are lost, stolen, or damaged while on school property.

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po5515.01

SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS

5515.01 - **SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS**

Because of the clear and present danger of accident, the Governing Board prohibits the use of motorized utility vehicles by students on school grounds or for school activity purposes.

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po5516

STUDENT HAZING

5516 - **STUDENT HAZING**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to disciplined students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

Hazing activities of any type are inconsistent with and disruptive to the educational process, and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to or associated with Governing Board-sponsored activities (e.g., extracurricular teams, clubs, or groups) or incidents that have occurred on school property. No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of the ESC shall encourage, permit, authorize, condone, or tolerate any hazing activities. The preceding prohibition includes recklessly permitting the hazing of any person associated with the ESC. Additionally, no student shall plan, encourage, or engage in any hazing.

Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any class, team, or organization or any act to continue or reinstate membership in or affiliation with any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse. No person shall recklessly participate in the hazing of another. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, employees, faculty members, teachers, consultants, alumni, or volunteers of the ESC shall be alerted to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy

and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Additionally, no administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of the ESC who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred. Students, administrators, employees, faculty members, and teachers who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law. Likewise, consultants, alumni, and volunteers associated with the ESC who fail to abide by this policy may be prohibited from continuing their involvement and/or participation in activities associated with the Center and may be held personally liable for civil and criminal penalties in accordance with law.

The Superintendent shall distribute this policy to all students, Governing Board employees, consultants, and volunteers, and shall incorporate it into building, staff, and student handbooks. It shall also be posted on the ESC's website. This policy shall be the subject of discussion at employee staff meetings or in-service programs.

Governing Board employees, consultants, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities.

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po5517

ANTI-HARASSMENT

5517 - **ANTI-HARASSMENT**

General Policy Statement

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

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

Other Violations of the Anti-Harassment Policy

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

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

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

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

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

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

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

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

Bullying

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

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment

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

A. places a student or ESC employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of an ESC school/program/activity.

Sexual Harassment

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

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

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

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

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, graffiti, videos , posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.

F. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

G. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

H. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.

I. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

J. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

L. Inappropriate boundary invasions by an ESC employee or other adult member of the ESC community into a student's personal space and personal life.

M. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

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

consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to ESC employees or other adult members of the ESC community.

Race/Color Harassment

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry

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

Disability Harassment

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

Reports and Complaints of Harassing Conduct

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

Members of the ESC community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Governing Board's

complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

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

Anti-Harassment Compliance Officers

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

Special Needs/Student Services Consultant
Ohio Valley Educational Service Center
Marietta Office
2333 B State Route 821
Marietta, OH 45750
(740) 373-6669

Executive Director of Operations and Special Projects
Ohio Valley Educational Service Center
128 E. 8th St.
Cambridge, OH 43725
(740) 439-3558

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

The Compliance Officer shall accept complaints of unlawful harassment directly from any member of the ESC community or a visitor to the ESC. Upon receipt of a complaint either directly or through an ESC employee, a Compliance Officer shall begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer shall designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or designee or shall oversee the preparation of such recommendations by a designee. All members of the ESC community shall report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Governing Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officer within two (2) business days. Additionally, any Governing Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Governing Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee shall contact the student, if

age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise the student/parent(s) of the Governing Board's intent to investigate the alleged misconduct including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, anystudent who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated

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

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

Informal Complaint Procedure

The goal of the informal complaint procedure is promptly to stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The

informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

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

All complainants involving a Center employee, any other adult member of the ESC community, or a Third Party and a student will be formally investigated.

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

A Complainant may make an informal complaint, either orally or in writing, to (1) to an ESC employee; (2) the Superintendent or designee; and/or (3) directly to the Compliance Officer.

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

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

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint shall be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

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

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

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

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

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

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

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

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

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

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent shall either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent or designee's final decision shall be delivered to both the Complainant and the Respondent.

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

The decision of the Superintendent or designee shall be final.

The Governing Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the

unlawful harassment/retaliation pursues the complaint. The Governing Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Governing Board or its designee.

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

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

Privacy/Confidentiality

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

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

Sanctions and Monitoring

The Governing Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action shall be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Governing Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Governing Board policies.

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

Retaliation

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

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

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

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

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

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

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

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or designee's obligation and responsibility to

continue to investigate a complaint of harassment. While the Compliance Officer or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent or designee.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

Education and Training

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

Retention of Investigatory Records and Materials

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

information ("ESI"), and electronic media created and/or received as part of an investigation, which may include, but is not limited to:

A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

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

C. any documentation that memorializes the actions taken by ESC personnel or individuals contracted or appointed by the Governing Board to fulfill its responsibilities related to the investigation and/or the ESC's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Governing Board policy used by the ESC to conduct the investigation, and any documents used by the ESC at the time of the alleged violation to communicate the Governing Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to ESC personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all ESC personnel involved in enforcing this policy including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;

O. documentation that any rights or opportunities that the ESC made available to one party during the investigation were made available to the other party on equal terms;

P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing; and

R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant or the Respondent.

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

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po5517.01

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

5517.01 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to disciplined students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

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

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

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

Harassment, intimidation, or bullying means:

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

B. sexual violence, stalking, and violence within a dating relationship.

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

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

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

interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment, intimidation, or bullying also means cyberbullying or electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits

toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

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

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

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

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

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

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

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

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

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of harassment, intimidation, or bullying against a specific student are verified, the building principal or appropriate administrator shall notify the custodial parent/guardian of the

victim of such finding. In providing such notification care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, or bullying.

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

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

Complaints

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal/program manager for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal complaints or anonymous complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s)

involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal complaint or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal/program manager for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

Privacy/Confidentiality

The ESC shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Governing Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy shall be maintained as confidential to the extent permitted by law.

Reporting Requirement

At least semi-annually, the Superintendent shall provide to the President of the Governing Board a written summary of all reported incidents and post the summary on the ESC website, (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse shall be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. ESC personnel shall cooperate with investigations by such agencies.

Immunity

An ESC employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, or bullying.

Notification

Notice of this policy shall be annually circulated to and posted in conspicuous locations in all school buildings and departments within the ESC and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks.

At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial

parent or guardian.

The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the ESC and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires shall be required to review and sign off on this policy and the related complaint procedure.

Employee training materials shall also include information on this policy.

Education and Training

In support of this policy, the Governing Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the ESC community related to the implementation of this policy. All training regarding the Governing Board's policy and aggressive behavior and bullying in general shall be age and content appropriate.

Annually, the ESC shall provide all students enrolled in the ESC with age-appropriate instruction regarding the Governing Board's policy, including a written or verbal discussion of the consequences for violations of the policy, to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the building principal/program manager to examine the dating violence prevention instruction materials used in the school, shall be afforded an opportunity to review the materials within a reasonable period of time.

To the extent that State or Federal funds are appropriated for these purposes, the ESC shall provide training, workshops, and/or courses on this policy for ESC employees and volunteers who have direct contact with students.

In accordance with Governing Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training. Additionally, the ESC shall provide training on their anti-bullying policies as a part of the in-service training for all teachers, administrators, counselors, nurses, and school psychologists. These designated employees shall receive in-service training in (1) the prevention of child abuse, violence, and substance abuse, (2) school safety, (3) the promotion of positive youth development, and (4) in the case of middle school and high school employees, the prevention of dating violence. Employees shall complete at least four (4) hours of the in-service training within two (2) years after commencing employment and every five (5) years thereafter.

The complaint procedure established by the Superintendent shall be followed and shall include reporting and investigative procedures, as needed.

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po5520

DISORDER AND DEMONSTRATION

5520 - **DISORDER AND DEMONSTRATION**

The Governing Board recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of the schools by disorder or any other purposeful activity shall not be countenanced.

The Governing Board, having the responsibility for providing an educational program for the students of this ESC, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

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po5530

DRUG PREVENTION

5530 - **DRUG PREVENTION**

The Governing Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

For purposes of this policy, “drugs” shall mean:

A. all dangerous controlled substances as so designated and prohibited by Ohio statute;

B. all chemicals which release toxic vapors;

C. all alcoholic beverages;

D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Governing Board policy;

E. anabolic steroids;

F. any substance that is a “look-alike” to any of the above; and

G. tobacco products.

The Governing Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, and at any school-sponsored event.

It further establishes a drug-free zone within 1000 feet of any facility used by the ESC for educational purposes.

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INTERROGATION OF STUDENTS

5540 - **INTERROGATION OF STUDENTS**

The Governing Board is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they shall contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

Investigation of Child Abuse/Neglect by a Public Children's Services Agency or Law Enforcement Agency

Every Governing Board official and employee who, in connection with his/her position, knows or suspects child abuse or neglect shall immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Governing Board Policy 8462.

At the request of the building administrator, an official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency should contact the student during non-school hours and investigate the matter off

school property, if at all possible, unless the alleged child abuse took place on school property and/or involves an emergency situation.

If the student (or a member of his/her family) is the subject of a child abuse/neglect investigation, or the student is being interviewed regarding alleged child abuse that took place on school property or involves an emergency, the building administrator shall attempt to contact the parent prior to questioning, and s/he shall remain in the room during questioning unless compelling reasons for exclusion are provided by the agency.

If an agency investigating child abuse/neglect indicates that the parent is believed to be the perpetrator, the building administrator shall not contact either parent prior to the interview. The building administrator shall remain in the room during questioning unless compelling reasons for exclusion are provided by the agency.

Investigations of Violations of Law by Law Enforcement Agencies

Such agencies should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the agency.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations should be documented diligently.

When an authorized law enforcement officer or public children's services agency removes a student, the building administrator shall notify the parent and the Superintendent.

No school official may release personally identifiable student information in education records to the police or public children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order. (See Governing Board Policy 8330).

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po5600

STUDENT DISCIPLINE

5600 - **STUDENT DISCIPLINE**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The Governing Board acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Governing Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Governing Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Governing Board shall require each student of this ESC to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Governing Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

A. conform to reasonable standards of socially-acceptable behavior;

B. respect the person and property of others;

C. preserve the degree of order necessary to the educational program in which they are engaged;

D. respect the rights of others;

E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions;

C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Governing Board policy and the Student Code of Conduct/Student Discipline Code.

The Superintendent shall publish to all students and their parents the rules of this ESC regarding student conduct and the sanctions which may be imposed for breach of those rules.

The Superintendent shall inform the Governing Board periodically of the methods of discipline imposed by this ESC and the incidence of student misconduct in such degree of specificity as shall be required by the Governing Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Governing Board having authority over students may take such action as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Governing Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Discipline on Governing Board vehicles shall be the responsibility of the driver on regular bus runs. When Governing Board vehicles are used for field trips and other Governing Board activities, the teacher, coach, advisor, or other Governing Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Governing Board Policy 5611 – Due Process Rights.

No student in grades K-8 is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student shall be detained. If a parent cannot be contacted, the student should be detained on another day.

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po5605

SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

5605 - **SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

In addition to following the requirements and procedures set forth for all students in Governing Board Policy 5610, the Governing Board shall also abide by applicable laws and regulations when disciplining students with disabilities through removal by suspension and/or expulsion.

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po5610

REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS

5610 - **REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The Governing Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, out-of-school suspension, expulsion, or permanent exclusion, is the most severe sanction that can be imposed on a student in this Educational Service Center ("Center"), and one that cannot be imposed without due process. However, the Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

No student is to be removed, suspended out-of-school, expelled, and/or permanently excluded unless their behavior represents misconduct as specified in the Student Code of Conduct/Student Discipline Code approved by the Governing Board and/or the student's actions pose imminent and severe endangerment to the health and safety of other students or employees. The Code shall also specify the procedures to be followed by school officials when implementing such discipline. In determining whether a student is to be suspended or expelled, Center administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. (See Policy 5605 - Suspension/Expulsion of Students with Disabilities)

Students may be subject to discipline for violation of the Student Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but where such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Center official or employee, or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct/Student Discipline Code, the following shall apply:

A. "Emergency removal" shall be the exclusion of a student who poses a continuing danger to Center property or persons in the Center or whose behavior presents an ongoing threat of disrupting the educational process provided by the Center. (See Policy 5610.03 - Emergency Removal)

B. “Suspension” shall be the temporary exclusion of a student by the Superintendent, principal, assistant principal, or any other administrator from the District’s instructional program for a period not to exceed ten (10) business days. If at the time an out-of-school suspension is imposed there are fewer than ten (10) school days remaining in the school year in which the incident that gives rise to the suspension takes place, the Superintendent shall not apply any remaining part of the period of the suspension to the following school year. The Superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full weekday of summer break. The District may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the District may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

   A student who is suspended shall be permitted to complete any classroom assignments missed because of the suspension and receive at least partial credit for a completed assignment. Grade reductions on account of the student’s

suspension are permitted; however, no student may receive a failing grade on a completed assignment solely on account of the student's suspension.

C. "Expulsion" shall be the exclusion of a student from the schools of this Center for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct/Student Discipline Code. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 - Due Process Rights.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

1. **Firearm or Knife**

   Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, an interscholastic competition, an extra-curricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. Similarly, the Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, an interscholastic competition, an extra-curricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. The expulsion may extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. The Superintendent shall refer any student expelled for bringing a firearm (as defined in 18 U.S.C. 921(a)(3)) or weapon to school to the criminal justice or juvenile delinquency system serving the Center.

A firearm is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device. A destructive device includes, but is not limited to, any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, mine, or other similar device.

A knife capable of causing serious bodily injury is defined as any weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such as ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury.

The Superintendent may, in their sole judgment and discretion, modify or reduce such expulsion, in writing, to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

a. applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);

b. the degree of culpability given the age of the student and its relevance to the misconduct and/or punishment and/or evidence regarding the probable danger posed to the health and safety of others, including evidence of the student's intent and awareness regarding possession of the firearm or knife capable of causing serious bodily injury; and/or

c. the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

The reinstatement of a student who is expelled for bringing a firearm to school is subject to the reinstatement process summarized in Section (C)(4)

of this policy.

2. **Violent Conduct**

If a student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act:

a. would be a criminal offense if committed by an adult;

and

b. results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5) or to property as defined in R.C. 2901.01(A)(6)

the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in their sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

a. applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);

or

b. other extenuating circumstances including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the expulsion there are fewer days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

3. **Bomb Threats**

If a student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat, the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in their sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's educational needs;

or

b. other extenuating circumstances including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the expulsion there are fewer days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

4. **Imminent and Severe Endangerment to Health and Safety of Students or Employees**

The term "imminent and severe endangerment" means any of the following actions taken by a student:

a. Bringing a firearm or a knife capable of causing severe bodily harm to a school operated by the Board or other property owned or controlled by the Board, or to any interscholastic competition, extra-curricular event, or any other program or activity sponsored by the Center or in which the Center is participating;

b. Committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in R.C. 2901.01(A)(5) or to property as defined in R.C. 2901.01(A)(6) while the student is at a school operated by the Board, on property owned or operated by the Board, or at any other program or activity that is sponsored by the Center or in which the Center is participating;

c. Making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat; or

d. Making an articulated or verbalized threat, including a hit list, threatening manifesto, or social media post, that would lead a reasonable person to conclude that the pupil poses a serious threat.

The Superintendent may expel a student for up to 180 school days for actions that the Superintendent determines pose imminent and severe endangerment to the health and safety of other students or school employees regardless of whether the actions qualify for permanent exclusion.

Upon expelling a student for actions that pose imminent and severe endangerment to others, the Superintendent will develop conditions that the student must satisfy before the student may be reinstated. A copy of the conditions will be provided to the Board, the student, and the student's parent/guardian at the beginning of the expulsion period. One of the conditions shall be an assessment that is performed by a licensed psychiatrist, psychologist, or school psychologist employed or contracted by the Center to determine whether the student poses a danger to themselves, other students, and/or school employees. The Center and the student's parent/guardian will mutually agree on the individual who will conduct the assessment. If the individual is not employed by the Center, the cost of the assessment shall be referred for payment through the student's health insurance. Any remaining costs not covered by the student's insurance will be paid by the Center. If the individual is employed or contracted by the Center, the Center will pay the full cost of the assessment. In addition to including a determination of whether the student poses a danger to themselves or others, the psychiatrist, psychologist, or school psychologist may also make recommendations for the contingent conditions for the student's reinstatement.

At the end of the initial expulsion term or any subsequent term, the Superintendent will determine whether the student has demonstrated sufficient rehabilitation to be reinstated to school. If the Superintendent determines the student has not demonstrated such rehabilitation, then the Superintendent may extend the expulsion for an unlimited number of additional periods of up to ninety (90) school days each. The Superintendent shall make the determination about whether the student has demonstrated rehabilitation in consultation with a multidisciplinary team selected by the Superintendent. The Superintendent will take into consideration the assessment of the psychiatrist, psychologist, or school psychologist and whether or not the student met the conditions developed by the Superintendent at the beginning of the expulsion period. If the Superintendent extends the expulsion period, the Superintendent shall develop conditions for the pupil to satisfy prior to reinstatement. The conditions may be the same as those developed for the initial term of expulsion. A copy of the conditions shall be provided to the Board, the student, and the student's parent/guardian.

The Superintendent may extend the initial or subsequent term of expulsion into the next school year. The Superintendent may also reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be

expelled under this provision.

The Superintendent may, in their sole judgment and discretion, reduce such expulsion to a period of less than 180 school days for the initial term, or less than ninety (90) school days for any additional term, on a case-by-case basis, for the following reasons:

a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's educational needs; or

b. other extenuating circumstances including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

Prior to the end of the initial expulsion term or any extension, the student's parent/guardian may request that the Superintendent complete an early assessment of the student. The Superintendent will assess the student and make a determination of whether the student meets the requirements for reinstatement as outlined in this section. The Superintendent will rely on the reasons permitted for the reduction of an expulsion term outlined in this section to determine whether the student may be reinstated before the end of the current expulsion term. A parent/guardian may request an early assessment one (1) time for the initial, and one (1) time for any subsequent expulsion term.

The Superintendent is authorized to develop contingent conditions for a student's reinstatement. The conditions may include the conditions developed for the original expulsion term as well as any recommendations made by the psychiatrist, psychologist, or school psychologist who assesses the student under this section. The Superintendent will establish a duration under which the student must meet the contingent conditions, which may extend to the student's graduation date. The Superintendent will provide a copy of these conditions to the Board, the student, and the student's parent/guardian when the Superintendent makes the decision to reinstate the student. If the student fails to adhere to the contingent conditions, the

Superintendent may revoke the student's reinstatement and establish an extended expulsion period under the same process as outlined in this section.

For students who do not have an individualized education plan ("IEP"), the Superintendent shall, in consultation with the student and parent/guardian, develop a plan for the continued education of the student. This may include education by the Center in an alternative setting such as home instruction, enrollment in another Center, enrollment in another type of public or nonpublic school, or any other form of instruction that complies with state law. The plan will be developed no later than fifteen (15) school days after the beginning of the original expulsion period or any extension. For students who have an IEP, the Superintendent will also consult with the student's IEP team in developing the plan, and the plan will be developed within ten (10) school days after the beginning of the original expulsion period or any extension.

The Board will provide the Department of Education and Workforce ("DEW") records of each expulsion issued under this section, as well as any changes to the student's expulsion status. The records will not include the name of the student, but will include the following:

a. the name of the student's school;

b. the reason(s) for the student's expulsion;

c. the duration of the student's expulsion and any extensions of the expulsion;

d. the total number of students expelled by the Center in the school year as of the date of the report; and

e. the student's age, gender, race, and other demographic information requested by DEW.

The Center will provide records of an expulsion issued under this section if requested by any other Center or school to which the student transfers. These records may not be withheld due to any outstanding debt attributed to the student.

The Board will establish guidelines for appropriate conditions that the Superintendent may develop pursuant to this section.

The Superintendent will develop a list of alternative educational options for students who are expelled under this section.

D. "Permanent exclusion" shall mean the student is banned forever from attending a public school in the State of Ohio. (See Policy 5610.01 - Permanent Exclusion of Nondisabled Students.)

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and the student's parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

Suspension or Expulsion of Students in Grades Pre-Kindergarten through Three (3)

Except as permitted by law, suspension or expulsion proceedings shall not be initiated against a student in any of grades Pre-kindergarten through three (3) unless the student has committed the following acts:

A. The student brings a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra curricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, or possesses a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at an interscholastic competition, an extra-curricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the Board.

B. The student commits an act at school, on other school property, an interscholastic competition, an extra-curricular event, or any other school program or activity, and the act: 1) would be a criminal offense if committed by an adult; and 2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5) or to property as defined in R.C. 2901.01(A)(6).

C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.

D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, and/or other school employees.

Prior to suspending or expelling a student in any of grades Pre-K through three (3), the Principal shall, whenever possible, consult with a mental health professional under contract. If the events leading up to the student's suspension or expulsion from school indicate that the student is in need of additional mental health services, the student's Principal or the Center's mental health professional shall assist the student's parent or guardian with locating providers or obtaining such services, including referral to an

independent mental health professional, provided such assistance does not result in a financial burden to the Center or the student's school.

If a student in any of grades Pre-K through three (3) is suspended or expelled, the student shall be afforded the same notice and hearing, procedural, and educational opportunities as set forth in Board policy and the law. The suspension or expulsion of a student in any of grades Pre K through three (3) shall not limit the Board's responsibilities with respect to the provision of special education and related services for such a student in accordance with Governing Board policy and the law. Further, the Board shall not be limited in its authority to issue an in-school suspension to a student in any of grades Pre-K through three (3), provided that the in-school suspension is served in a supervised learning environment.

If the Superintendent determines that a student's behavior on a school vehicle violates school rules, the Superintendent may suspend the student from school bus-riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension must comply with due process and the Student Code of Conduct/Student Discipline Code.

Unless otherwise specified above, the Governing Board authorizes the Superintendent to hold a suspension or expulsion in abeyance, and/or to reduce a suspension or expulsion in whole or in part, pending the student's meeting of specified criteria, which may include but not be limited to alternative educational options.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

The Governing Board may temporarily deny admittance to any student who has been expelled from the schools of another Ohio Center or an out-of-state Center if the

student's expulsion period set by the other Center has not expired. The expelled student shall first be offered an opportunity for a hearing. This provision also applies to a student who is the subject of a power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent and is seeking admittance into the schools of this Center in accordance with Policy 5111.

The Governing Board may temporarily deny admittance to any student who has been suspended from the schools of another Ohio Center if the student's suspension period set by the other Center has not expired. The suspended student shall first be offered an opportunity for a hearing.

When a student is expelled from this Center, the Superintendent shall send written notice to any college in which the expelled student is enrolled under the College Credit Plus Program at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire and that the Governing Board has adopted a provision in Policy 2271 under R.C. 3313.613 to deny high school credit for College Credit Plus courses taken during an expulsion.

If the expulsion is extended, the Superintendent shall notify the college of the extension.

The Superintendent may require a student to perform community service in conjunction with or in place of a suspension or expulsion. The Board may adopt guidelines to permit the Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion into the following school year.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

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po5610.02

IN-SCHOOL DISCIPLINE

5610.02 - **IN-SCHOOL DISCIPLINE**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

It is the purpose of this policy to allow for an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Governing Board to support them.

In-school discipline shall only be offered at the discretion of the program manager/designee for offenses found in the Student Code of Conduct/Student Discipline Code.

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po5610.03

EMERGENCY REMOVAL OF STUDENTS

5610.03 - **EMERGENCY REMOVAL OF STUDENTS**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on ESC premises, then the Superintendent, principal, assistant principal, or program manager may remove the student from curricular activities or from the ESC premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher shall notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. Because such removal is not subject to the normal suspension and expulsion procedures, no prior notice or hearing is required for any removal under this policy.

A due process hearing shall be held on the next school day after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action shall be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, the student shall have the opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent, or designee and has the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification shall be given to the parent(s)/guardian(s) or custodian of the student. This notice shall include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Governing Board or its designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing shall take place on the next school day after the date of the initial removal and shall be held in accordance

with the procedures outlined in the Governing Board Policy 5611 – Due Process Rights. The person who ordered or requested the removal shall be present at the hearing.

A student in any of grades pre-kindergarten through 3 may be removed only for the remainder of the school day and shall be permitted to return to any curricular and extra-curricular activities on the next school day (following the day in which the student was removed or excluded). When a student in any of grades pre-kindergarten through 3 is removed and returned to his/her curricular and extra-curricular activities the next school day, the Superintendent or designee is not required to hold a hearing (or provide written notice of same).

The Superintendent or designee shall not initiate suspension or expulsion proceedings against a student in any grades pre-kindergarten through 3 who was removed unless the student has committed one (1) of the following acts:

A. The student brings a firearm or knife capable of causing serious bodily injury to an ESC building or on to any other property (including an ESC vehicle) owned, controlled, or operated by the Governing Board, to an interscholastic competition, an extra-curricular event, or to any other ESC program or activity that is not located in on ESC property that is owned or controlled by the Governing Board. Similarly, the Superintendent or designee can initiate suspension or expulsion proceedings if the student possesses a firearm or knife capable of causing serious bodily injury on any ESC property (including an ESC vehicle) owned, controlled, or operated by the Governing Board, at interscholastic competition, an extra-curricular event, or at any other ESC program or activity that is not located on ESC property that is owned or controlled by the Governing Board.

B. The student commits an act at the ESC, on other ESC property, at an interscholastic competition, extra-curricular event, or any other ESC program or activity and the act: (1) would be a criminal offense if committed by an adult; and (2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).

C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.

D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other ESC employees.

If the Superintendent or principal/program manager reinstates a student prior to the hearing for emergency removal, the teacher may request and shall be given written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension, or expulsion.

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po5611

DUE PROCESS RIGHTS

5611 - **DUE PROCESS RIGHTS**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The Governing Board recognizes that students have limited constitutional right when it comes to their education.

Accordingly, the Governing Board establishes the following procedures which Governing Board Administrators shall use when dealing with students:

A. **Student subject to suspension:**

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student shall be informed in writing of the potential suspension and the reasons for the proposed action.

2. The student shall be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.

3. An attempt shall be made to notify parents or guardians by telephone if a suspension is issued.

4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator shall notify the parents, guardians, or custodians of the student and the Treasurer/CFO of the Governing Board. The notice shall include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Governing Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the suspension to the Governing Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer/CFO of the Governing Board or the Superintendent within fourteen (14) calendar days after the date of the notice to suspend. If the offense is one for which the District may seek permanent exclusion, then the notice shall contain that information.

5. Notice of this suspension shall also be sent to the:

    a. Superintendent;

    b. Board Treasurer/CFO;

    c. student's school record (not for inclusion in the permanent record).

6. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

Appeal of Suspension to the Governing Board or its designee

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Governing Board or its designee. They may be represented in all such appeal proceedings.

A verbatim record shall be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Governing Board.

Notice of appeal shall be filed, in writing, with the Treasurer/CFO or the Superintendent within five (5) calendar days after the date of the notice to suspend.

Appeal to the Court

Under Ohio law, appeal of the Governing Board's or its designee's decision may be made to the Court of Common Pleas.

B. **Students subject to expulsion:**

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent shall give the student and parent, guardian, or custodian written notice of the intended expulsion, including reasons for the intended expulsion.

2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice shall state the time and place to appear, which shall not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.

3. Within one (1) school day of the expulsion, the Superintendent shall notify the parents, guardians, or custodians of the student and Treasurer/CFO of the Governing Board. The notice shall include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Governing Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held

in executive session if before the Governing Board. If the offense is one for which the Educational Services Center may seek permanent exclusion, then the notice shall contain that information.

Appeal of Expulsion to the Governing Board

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Governing Board or its designee. They may be represented in all such appeal proceedings and shall be granted a hearing before the Governing Board or its designee.

A verbatim record shall be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian.

Notice of appeal shall be filed, in writing, within five (5) calendar days after the date of the Superintendent's decision to expel with the Treasurer/CFO of the Governing Board or the Superintendent.

While a hearing before the Governing Board may occur in executive session, the Governing Board shall act in public.

Appeal to the Court

Under applicable laws and regulations, the decision of the Governing Board may be further appealed to the Court of Common Pleas.

C. **Students subject to emergency removal:**

Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Governing Board Policy 5610.03 – Emergency Removal.

D. **Students subject to permanent exclusion:**

Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Governing Board Policy 5610.01 – Permanent Exclusion of Nondisabled Students.

E. **Students subject to suspension from bus riding/transportation privileges:**

Students whose conduct warrants suspension from bus riding and/or transportation services shall be dealt with in accordance with the rights and procedures outlined in Governing Board Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

In determining whether disciplinary action set forth in this policy is to be implemented, Governing Board Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e., "Litigation Hold")) created and/or received as part of an investigation. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that shall facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely in a supervised learning environment. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extra-curricular activities.

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po5630

CORPORAL PUNISHMENT

5630 - **CORPORAL PUNISHMENT**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

While recognizing that students may require disciplinary action in various forms, the Governing Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as classified staff may, within the scope of their employment, use and apply reasonable and necessary force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Corporal punishment is not permitted. If any employee threatens to inflict, inflicts, or causes to inflict unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Governing Board and possibly charges of child abuse as well. This prohibition applies as well to volunteers and those with whom the ESC contracts for services.

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po5630.01

POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION

5630.01 - **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION**

This policy governs student discipline at ESC educational services/schools/programs. Nothing in this policy supersedes the home school's rights and/or obligations to discipline students pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The Governing Board is committed to implementation of Positive Behavior Intervention and Supports (PBIS) framework on a Center-wide basis and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Staff are directed to work to prevent the use of physical restraint and/or seclusion. The PBIS framework shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based academic and behavioral practices aimed at enhancing academic, social, and behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential crises. If a student's behavior, however, presents a threat of immediate physical harm to the student or others, staff may, as a last resort (i.e., there is no other safe and effective intervention available) and in accordance with the terms of this policy, use approved physical restraint or seclusion to maintain a safe environment.

All physical restraint and seclusion shall only be done in accordance with this policy, which is based on the standards adopted by the State Governing Board regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of physical restraint and seclusion shall be provided to all professional staff and support staff determined appropriate by the Superintendent. Training shall be in accordance with the State's Standards. Absent an emergency, only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this policy. This policy shall be made available to parents annually and shall be published on the ESC's website.

DEFINITIONS

Aversive behavioral interventions means intervention that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful, and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant, or taste, or other sensory stimuli such as climate control, lighting, and sound.

Behavioral Intervention Plan ("BIP") means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior.

Chemical restraint means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and

B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

De-escalation techniques are interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and disruptive incidents

Functional behavior assessment ("FBA") is a school-based process for students with disabilities and students without disabilities that includes the student's parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child (eighteen (18) years of age or older), must be obtained at the initial Functional Behavior Assessment.

Mechanical restraint means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose. Mechanical restraint does not mean a device used by trained Student Personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which the device was designed and, if applicable, prescribed, including:

A. restraints for medical immobilization;

B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent means:

A. a biological or adoptive parent;

B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);

C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

D. a surrogate parent who has been appointed in accordance with A.C. 3301- 51-05(E); or

E. any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of the child.

Physical escort means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical restraint means the use of physical contact that immobilizes or reduces the ability of a student to move the student's arms, legs, body, or head freely. Physical restraint does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes to:

A. break up a fight;

B. knock a weapon away from a student's possession;

C. calm or comfort;

D. assist a student in completing a task/response if the student does not resist the contact; or

E. prevent imminent risk of injury to the student or others

Positive Behavior Intervention and Supports ("PBIS") means multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes, and increasing learning for all students. PBIS includes a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

PBIS Leadership Team means the assigned team at the Center and building level that plans, coaches and monitors PBIS implementation in the Center and buildings. The PBIS Leadership Teams may include, but is not limited to, school administrators, teacher representatives across grade level and programs, staff able to provide behavioral expertise, and other representatives identified by the Center or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone restraint means physical or mechanical restraint while the student is in the face-down position.

Seclusion means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student means an individual enrolled in the ESC.

Student Personnel means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, related service providers, nursing staff, or other ESC staff who interact directly with students.

Timeout means a behavioral intervention in which the student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

POSITIVE BEHAVIORAL INTERVENTION AND SUPPORTS FRAMEWORK

The ESC will implement PBIS on a system-wide basis in accordance with R.C. 3319.46 and A.C. 3301-35-15. The ESC's PBIS framework involves comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms. The administration is encouraged to use data-based decision-making to select, monitor, and evaluate outcomes, practices, and systems. The PBIS framework further involves a school-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction. Evidence-based practices along a multi-tiered continuum of supports will be used. The ESC's PBIS framework will further focus on improving staff climate and culture regarding the role of discipline in the classroom, by using positive and proactive communication and staff recognition. Finally, classroom practices shall be linked to and aligned with the school-wide system so progress monitoring can occur with fidelity and target outcomes. The PBIS framework will strive to enable accurate and sustainable implementation of practices.

As part of its implementation of the PBIS framework, the ESC will provide Student Personnel with appropriate professional development, engage in explicit instruction of

school-wide behavior expectation, employ consistent systems of acknowledging and correcting behavior, create teaching environments designed to eliminate behavior triggers, and promote family and community involvement.

The PBIS framework shall apply to all students and staff, and in all settings. It shall include:

A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific behaviors occur;

B. functional behavior assessments that include:

1. review of existing data;

2. interviews with parents, family members, and students; and

3. examination of previous and existing behavior intervention plans.

C. development and implementation of positive behavior intervention and supports, and the teaching of appropriate behavior, including:

1. modification of environmental factors that escalate inappropriate behavior;

2. supporting the attainment of appropriate behavior; and

3. use of de-escalation techniques to defuse potentially violent dangerous behavior.

The Superintendent shall develop emergency procedures for the ESC.

PROFESSIONAL DEVELOPMENT FOR IMPLEMENTATION OF PBIS

In order to successfully implement the PBIS framework on a Center-wide basis, the Governing Board shall provide for Student Personnel shall receive professional development as follows:

A. the professional development will occur at least every three (3) years;

B. the professional development must be provided by a building or Center PBIS Leadership Team or an appropriate State, regional, or national source in collaboration with the building or Center PBIS Leadership Team;

C. the trained PBIS Leadership team will provide the professional development in accordance with the Center-developed PBIS training plan, which the Superintendent will develop;

D. the Superintendent shall retain records of completion of the professional development; and

E. the professional development will include the following topics:

1. an overview of PBIS;

2. the process for teaching behavioral expectations;

3. data collection;

4. implementation of PBIS with fidelity;

5. consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and

6. consistency in discipline referrals.

F. the training will be appropriately modified for the intended audience.

The Superintendent is charged with arranging for continuous training structures to be in place to provide ongoing coaching and implementations with fidelity.

SECLUSION

Seclusion may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. Seclusion may be used only as a last resort to provide the student with an opportunity to regain control of the students actions. Seclusion shall be used in a manner that is age and developmentally-appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this Policy and the Ohio Department of Education's ("ODE") corresponding policy.

Seclusion shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity, and safety of the student.

Additional requirements for the use of seclusion:

If Student Personnel use seclusion, they shall:

A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;

C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;

D. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;

E. complete all required reports and document their observations of the student;

F. ensure safety of other students and protect the dignity and respect of the student involved;

G. combine the use of seclusion with other non-physical interventions (which are always preferred) that will diminish the need for seclusion in the future;

H. if at any point the staff assess that the intervention is insufficient to maintain safety of all involved, contact emergency personnel; and

I. use seclusion for the least amount of time necessary.

Requirements for a room or area used for seclusion:

A room or area used for seclusion shall provide for adequate space, lighting, ventilation, and clear visibility in order to allow Student Personnel to observe the student.

A room or area used for seclusion *shall not be locked* or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

Additional prohibited seclusion practices:

Seclusion shall not be used:

A. for the convenience of staff;

B. as a substitute for an educational program;

C. as a form of discipline or punishment;

D. as a substitute for other less restrictive means of assisting a student in regaining control;

E. as a substitute for inadequate staffing;

F. as a substitute for staff training in positive behavior intervention and supports framework and crisis management; or

G. as a means to coerce, retaliate, or in a manner that endangers a student.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be separated from classmates, either in the classroom or in a safe, lighted, and well-ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

PHYSICAL RESTRAINT

Prone restraint, including any physical restraint that obstructs the airway of the student, or any physical restraint that impacts a student's primary mode of communication, is prohibited. Student Personnel may use physical restraint only as a last resort and in accordance with this policy and the requirements of A.C. 3301-35-15.

Physical restraint may be used only when the student's behavior poses an immediate risk of physical harm to the student and/or others and no other safe or effective intervention is available. The physical restraint shall be implemented in a manner that is age and developmentally appropriate, does not obstruct the student's ability to breathe, does not interfere with the student's ability to communicate in the student's primary language or mode of communication, and otherwise in compliance with this policy and the ODE's corresponding model policy.

Only Student Personnel trained in safe restraint techniques may implement physical restraint, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available. Student Personnel must be trained to protect the care, welfare, dignity, and safety of the student.

Additional requirements for the use of physical restraint:

If Student Personnel use physical restraint, they shall:

A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control;

C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;

D. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;

E. complete all required reports and document their observations of the student;

F. implement in a manner that accommodates age and body size diversity;

G. ensure safety of other students and protect the dignity and safety of the student involved;

H. combine with other non-physical interventions (which are always preferred) that will diminish the need for physical intervention in the future;

I. use the least amount of force necessary for the least amount of time necessary; and

J. if at any point the staff assesses the intervention is insufficient to maintain safety for all involved, contact emergency personnel.

Physical restraint shall not be used for punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control.

Prohibited Practices

The following practices are prohibited under all circumstances, including emergency safety situations:

A. prone restraint;

B. any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:

1. involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;

2. uses pressure point, pain compliance, or joint manipulation techniques;

3. otherwise involves techniques that are used to unnecessary cause pain;

4. causes loss of consciousness or harm to the neck or restricting respiration in any way;

5. involves dragging or lifting of the student by the hair or ear or any type of mechanical restraint;

6. uses other students or untrained staff to assist with the hold or restraint; and

7. involves securing a student to another student or fixed object;

C. corporal punishment as defined in R.C. 3319.41;

D. child endangerment as defined in R.C. 3319.41;

E. deprivation of basic needs;

F. seclusion or restraint of preschool-age students, in violation of A.C. 3301-37-10(D) and A.C. 3301-35-15;

G. mechanical restraint;

H. chemical restraint;

I. aversive behavioral interventions; and

J. seclusion in a locked room or area.

MULTIPLE INCIDENTS OF RESTRAINT AND/OR SECLUSION - CONDUCTING A FUNCTIONAL BEHAVIOR ASSESSMENT AND DEVELOPING A BEHAVIOR INTERVENTION PLAN

After a student's third incident of physical restraint or seclusion in a school year, a meeting must occur within ten (10) school days of the third incident as follows:

For a student who has been found eligible for special education services or has a 504 plan, the student’s individualized education program or 504 team must meet to consider the need to conduct or develop a FBA or BIP, or amend an existing FBA or BIP.

A. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.

B. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident) if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.

C. Nothing in this section is meant to prevent the completion of a FBA or BIP for any student who might benefit from these measures, but has fewer than three (3) incidents of restraint or seclusion.

D. Nothing in this section is meant to prevent the Center from conducting any evaluations or other obligations the staff feel are appropriate under the Individuals with Disabilities Education Improvement Act.

TRAINING AND PROFESSIONAL DEVELOPMENT FOR USE OF CRISIS MANAGEMENT AND DE-ESCALATION TECHNIQUES

The ESC shall provide training and professional development for the use of crisis management and de-escalation techniques that includes the use of restraint and seclusion. Specifically, the ESC shall annually train an appropriate number of personnel in each building in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. At a minimum, the training will cover the following topics:

A. proactive measures to prevent the use of seclusion or restraint;

B. crisis management;

C. documentation and communication about the restraint or seclusion with appropriate parties;

D. the safe use of restraint and seclusion;

E. instruction and accommodation for age and body size diversity;

F. directions for monitoring signs of distress during and following physical control; and

G. debriefing practices and procedures.

The training will occur face-to-face and allow for a simulated experience of administering and receiving physical restraint so that participants can demonstrate proficiency in the topics identified above.

The Superintendent is charged with maintaining written or electronic documentation concerning the training provided that includes the following:

A. the name, position, and building assignment of each person who has completed training;

B. the name, position, and credentials of each person who has provided the training;

C. when the training was completed; and

D. what protocols, techniques, and materials were included in training.

As part of the required training, Student Personnel shall be trained to perform the following functions:

A. identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and

B. use preventative assessments that include at least the following:

1. a review of existing data;

2. input from parents, family members, and students; and

C. examination of previous and existing behavior intervention plans.

Only individuals trained in accordance with this policy in the appropriate use of restraint and seclusion may use those techniques.

MONITORING AND COMPLAINT PROCEDURES

The Superintendent shall develop a monitoring procedure to ensure that this policy is appropriately implemented.

Any parent of a child enrolled in school in the ESC may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent

shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint.

REQUIREMENTS FOLLOWING AN INCIDENT OF SECLUSION OR PHYSICAL RESTRAINT

Each use of physical restraint or seclusion shall be:

A. reported to the building administration immediately;

B. reported to the parent immediately; and

C. documented in a written report (see Ohio Department of Education's Model Restraint and Seclusion Debriefing Form).

A copy of the written report shall be issued to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. The Center shall maintain the written report, including placing a copy of the written report in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act ("FERPA"), and ESC personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of physical restraint and seclusion.

The administration shall develop a support plan for substitute teachers if they need assistance with PBIS or crisis management and de-escalation (including restraint and seclusion).

The Superintendent shall report information regarding the ESC's use of restraint and seclusion annually to the Ohio Department of Education in the form and manner prescribed by the Department as requested by that agency, and shall make the ESC's records concerning PBIS, restraint and seclusion available to the staff of the Ohio Department of Education upon request.

* Adapted from the Ohio Department of Education's Positive Behavior Intervention and Supports, and Restraint and Seclusion Model Policy and Procedures, issued July 2021.

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Ohio Valley Educational Service Center

po5751

PARENTAL STATUS OF STUDENTS

5751 - **PARENTAL STATUS OF STUDENTS**

The Governing Board is committed to maintaining an education environment that is free from discrimination based on sex or any other protected class factors. No student, whether married or unmarried, who is otherwise eligible to attend school in the Educational Service Center ("Center") shall be discriminated against or denied participation in an educational program or activity solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood. Complaints of sex-based discrimination will be addressed pursuant to Board Policy 2260.

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po5771

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

The Governing Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Governing Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Governing Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles or the locker, of a student, with or without the student's consent, whenever they reasonably suspect that the search shall turn up evidence of a violation of law or of school rules. The extent of the search shall be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Governing Board or ESC personnel.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of

each building.

Administrators may confiscate personal devices such as but not limited to cell phones and iPods, and the school may retain such devices for a brief period of time.

Students shall not have an expectation of privacy for content within personal devices if there is reasonable suspicion of imminent risk or harm or violation of the law or school rules.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level since the Governing Board has established a zero tolerance for alcohol use.

The Governing Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent or Superintendent's designee has reasonable suspicion that illegal drugs or devices may be present in a school or as a routine preventative measure. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances may be concealed. Canine detection shall be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection.

Except as provided below, a request for the search of a student or a student's possessions shall be directed to the principal/program manager who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search shall be conducted by the principal/program manager in the presence of the student and a staff member other than the principal/program manager. A search prompted by the reasonable belief that health and safety are threatened shall be conducted with as much speed and dispatch as may be required to protect persons and property.

Where the inappropriate substances or objects are found, the principal/program manager shall be responsible for the recording in writing of the student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal/program manager shall be responsible for turning over any illegal or dangerous substance or object taken from a student to the police.

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po5772

WEAPONS

5772 - **WEAPONS**

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

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

Policy exceptions include:

A. items pre-approved by the building principal/program manager as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved (working firearms and any ammunition shall never be approved as a part of a presentation);

B. theatrical props used in appropriate settings.

Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the principal/program manager. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, Governing Board Policy 5610, and Governing Board Policy 5610.01.

The Superintendent shall refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy shall be published annually in all ESC student and staff handbooks. Publication is not a precondition to enforcement of this policy.

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po5780

STUDENT/PARENT RIGHTS

5780 - **STUDENT/PARENT RIGHTS**

The Governing Board recognizes that students possess not only the right to an education but many of the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the Board shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. At the same time, the Board recognizes that no student may be deprived of the basic right to equal access to the educational program, and the student's constitutional right to due process and free expression and association as appropriate for the school environment.

Attendant to the rights afforded to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the Educational Service Center ("Center").

Since a student who has reached the age of majority possesses the full rights of an adult, the student may authorize those school matters previously handled by the student's parents, but the student also assumes the responsibility for their performance in school, attendance, and compliance with school rules.

Parents also have rights in the school system to know about their student’s educational experience. Specific rights are listed in topic areas of these policies.

Parent Right to Inspect Instructional Materials

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing the right of parents as described herein and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials. See AG 9130A and Form 9130 F3.

Right to Inspect Technolgy Provider Contract

The Center shall provide parents and students with an opportunity to inspect a complete copy of each technology provider contract.

This policy shall not supercede any rights under the Family Education Rights and Privacy Act.

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po5780.01

PARENTS' BILL OF RIGHTS

5780.01 - **PARENTS' BILL OF RIGHTS**

The Governing Board recognizes that parents have a fundamental right to make decisions concerning the upbringing, education, and care of their children and promotes parental involvement in the Educational Service Center's ("Center") public school system. In addition, parents have certain rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies.

Sexuality Content/Mental, Emotional, or Physical Health or Well-Being/Health Care Services

Definitions:

For purposes of this policy:

"Age-appropriate" and "developmentally appropriate" content refers to activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.

"Student's mental, emotional, or physical health or well-being" includes, at a minimum, any of the following:

A. A student's academic performance;

B. Any significant sickness or physical injury, or any psychological trauma suffered by a student;

C. Any harassment, intimidation, or bullying, as defined in section 3313.666 of the Revised Code, by or against a student in violation of Center policy;

D. Any request by a student to identify as a gender that does not align with the student's biological sex;

E. Exhibition of suicidal ideation or persistent symptoms of depression or severe anxiety, or other mental health issues.

"Sexuality content" means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting. "Sexuality content" does not mean any of the following:

A. Instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education provided under division (A)(5) of section 3313.60 or section 3314.0310 or 3326.091 of the Revised Code;

B. Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Revised Code;

C. Incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.

Sexuality Content and Parental Notification

The Board will ensure that any sexuality content is age-appropriate and developmentally appropriate for the age of the student receiving the instruction, regardless of the age or grade level of the student. The Board will not permit instruction that includes sexuality content in grades kindergarten through grade three (3).

Prior to providing instruction that includes sexuality content or permitting a third party to provide such instruction on behalf of the Center, the Board will provide parents the opportunity to review any instructional material that includes sexuality content. Upon request of the student's parent, a student shall be excused from instruction that includes sexuality content and shall be permitted to participate in an alternative assignment.

Student Services/Mental, Emotional, Physical Health or Well-Being/Safe and Supportive Learning Environment and Parental Notification

The Board will promptly notify a student's parent of any substantial change in the student's services, including counseling services or monitoring related to the student's mental, emotional, or physical health or well-being or the school's ability to provide a safe and supportive learning environment for the student. Such notification will be provided by the student’s building administration through email and/or telephone conference. The Board will not inhibit parental access to the student's education and health records maintained by the school.

Center personnel will not directly or indirectly encourage a student to withhold from a parent information concerning the student's mental, emotional, or physical health or well-being, or a change in related services or monitoring.

Center personnel will not discourage or prohibit parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

Procedure for Authorization From Parents for Health Care Services

Authorization of parents must be obtained by the Board prior to providing any type of health care service to students, including physical, mental, and behavioral health care services. Parents may choose whether to authorize the Board to provide a health care service to the parent's child.

To facilitate parental involvement and decision-making on such authorization, at the beginning of each school year, the Board will notify parents of each health care service offered at, or facilitated in cooperation with, their student's school of attendance and of the parent’s option to withhold consent or decline any specified service. If granted, parental consent to health care services does not waive the parent's right to access their child/children’s educational or health records or to be notified about a change in the student's services or monitoring as set forth herein.

Prior to providing a health care service to a student, the building administration of the student’s school of attendance will notify a parent whether the service is required to be provided by the Center under State law and if other options for a student to access the service exist.

These notification requirements do not apply to emergency situations, first aid, other unanticipated minor health care services, or health care services provided pursuant to a student's IEP or the Center’s obligation under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794.

Process for Resolving Parental Concerns

Parents may file written concerns with the Principal or other building administrator of the student's school of attendance regarding any topics addressed in the above Parental Rights and Parental Involvement section of this policy. Parents will be notified at the beginning of each school year of their right to file a written concern. The Principal or other building administrator will take steps with parent(s) to resolve the concern within thirty (30) days of receipt of the written concern. If not satisfied with the outcome of the resolution by the Principal or building administrator, the parent(s) may appeal a decision at that level to the Superintendent.

If a parent appeals the Principal's or building administrator's decision, the Superintendent or the Superintendent's designee will conduct a hearing on the decision. Based on the findings of that hearing, the Superintendent shall decide whether to affirm the Principal's or building administrator's decision. If the Superintendent determines not to affirm the decision, the Superintendent shall determine a resolution to the parent's concern and communicate the decision to the parent. A parent may appeal the Superintendent's decision to the Governing Board.

If the Superintendent's decision is appealed, the Board shall review the Superintendent's decision and, if the Board determines it necessary, hold a hearing on the decision and, based on that hearing, either affirm the Superintendent's decision or determine a new resolution to the parent's concern.

Nothing in this policy shall be read to prevent a parent from contacting a member of the Board regarding a concern with the operation of a school under the supervision of the Governing Board.

Parent Right to Inspect Instructional Materials

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing

the right of parents as described herein and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials. See AG 9130A and Form 9130 F3.

Right to Inspect Technology Provider Contract

The Center shall provide parents and students with an opportunity to inspect a complete copy of each technology provider contract.

This policy shall not supersede any rights under the Family Education Rights and Privacy Act.

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po5830

STUDENT FUND-RAISING

5830 - **STUDENT FUND-RAISING**

The Governing Board acknowledges that the solicitation of funds from students by students shall be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include student solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services. "Student fund-raising" also includes giving away goods or services, but suggesting a monetary donation.

The Governing Board shall permit student fund-raising in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Student fund-raising by approved school organizations, those whose funds are managed by the Treasurer/CFO, may be permitted in school by the principal/program manager. For any fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs, that involve the sale of food items and/or beverages to students that shall be consumed on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day), the food items and/or beverages to be sold shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, and also be consistent with requirements set forth in Governing Board Policy 8550, Competitive Foods.

Student fund-raising by approved school organizations off school grounds may be permitted as determined by the Superintendent.

Fund-raising by students on behalf of school-related organizations whose funds are not managed by the Treasurer/CFO may be permitted on school grounds.

Upon request by the Treasurer/CFO, any approved school organization or school-related organization that engages in student fund-raising shall provide the organization's financial records to the Governing Board.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that shall provide a fund-raising activity or a product that shall be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that shall be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that shall provide a fund-raising activity or a product that shall be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that shall be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Treasurer/CFO, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Treasurer/CFO at his/her earliest opportunity.

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po5850

SCHOOL SOCIAL EVENTS

5850 - **SCHOOL SOCIAL EVENTS**

The Governing Board recognizes the value of student social events and class trips in enhancing and enriching the school experience for the children of this community.

The Governing Board shall make school facilities available and provide appropriate staff for the conduct of social events within the school facilities which have been approved by the Superintendent. For social events which take place outside school facilities, approval is required by the Superintendent.

As voluntary participants in school social events and class events, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules shall be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

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po6105

AUTHORIZATION TO USE FACSIMILE SIGNATURE

6105 - **AUTHORIZATION TO USE FACSIMILE SIGNATURE**

The Governing Board authorizes the Treasurer/CFO, to prepare and utilize a facsimile signature, in lieu of their manual signature, and to affix such facsimile signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Governing Board funds for and on its behalf. The individuals specified above may affix their manual or facsimile signature to the instruments identified so long as they continue to act as such officers/employees. The use of facsimile signatures is expressly approved by the Governing Board. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the ESC with the various financial institutions (depositories/banks) with which the ESC conducts business.

The Governing Board directs that the financial institutions (depositories/banks), with which the ESC does business, are authorized, and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the ESC. The Treasurer/CFO is directed to provide written notice of the adoption of any facsimile signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such facsimile signature, and a copy of this policy. Prior to use of the facsimile signature, the written approval of such depository shall be obtained.

Facsimile signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Facsimile signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

In order to protect the Governing Board and its employees from loss, damage or expense occasioned by the unauthorized use of a facsimile signature, the Governing Board directs the Treasurer/CFO to procure for the ESC and for the individuals identified above a surety bond in such amount as approved by its legal advisor.

The actual facsimile signature should be maintained under the care, custody, and control of the Treasurer/CFO's Department and, as further precaution, all checks shall be entered into the check register so that all numbers can be accounted for.

The Treasurer/CFO and Governing Board President are authorized, on behalf of the Governing Board, to sign employment contracts, duly acted upon by the Governing Board, by facsimile signature.

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po6107

AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES

6107 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Unless a provision of law enacted after September 14, 2000, specifically prohibits the use of an electronic record for the specified purpose, the Governing Board authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from ESC staff and other persons, as well as between ESC staff members. The Governing Board further authorizes ESC staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All ESC staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all ESC staff and other persons who use electronic signatures when completing transactions with the Governing Board shall do so in compliance with State law.

With regard to the acceptance and distribution/transmission of electronic records and electronic signatures, the Superintendent may specify the following:

A. The manner and format in which the electronic records shall be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.

B. If electronic records shall be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature shall be affixed to the electronic record, and the identity of, or criteria that shall be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records that are specified for non-electronic records or reasonably necessary under the circumstances.

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po6108

AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

6108 - **AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS**

The Governing Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of R.C. Chapter 1304 and the Electronic Fund Transfer Act. Upon the recommendation of the Treasurer/CFO, the Governing Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Treasurer/CFO, the Governing Board shall then approve written agreements with financial institutions with whom EFTs shall be made.

Such agreements shall set forth internal controls required by applicable laws and regulations that shall provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements, or transfers, shall be specified;

B. the manual signatures of the Governing Board President, Treasurer/CFO, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the ESC maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the ESC, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All ESC staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all ESC staff and other persons who use electronic signatures when completing transactions with the Governing Board shall do so in compliance with applicable laws and regulations.

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po6109

ACCEPTANCE OF PAYMENT BY CREDIT CARD

6109 - **ACCEPTANCE OF PAYMENT BY CREDIT CARD**

The Governing Board authorizes the acceptance of credit cards for the payment of invoices. The Board authorizes the Treasurer/CFO to manage credit card transactions pursuant to applicable State and Federal laws and regulations, and the regulations of the payment card industry ("PCI").

For purposes of this policy, the term credit card includes branded debit cards (having credit card logo and not requiring PIN input) unless otherwise indicated. Visa, MasterCard, Discover, and American Express cards will be accepted for payments.

All fees and charges associated with credit card payments are the responsibility of the payer. Fees will be added to the total cost of the invoice amount.

Compliance with PCI DSS

Credit card data is high-risk confidential information that is protected by State and Federal law and the Board has a legal obligation to protect it. Credit card associations require all merchants to follow protocols entitled Payment Card Industry Data Security Standards (“PCI DSS”). The PCI DSS includes a comprehensive set of international security requirements to help protect cardholder data and prevent fraud and identity theft. Credit card companies require that all merchants comply with PCI DSS before accepting credit cards and must also certify their compliance annually.

All acquirers and card issuers must comply, and must also ensure the compliance of their merchants and service providers who store, process, or transmit customer data.

In order to ensure compliance, the Board is required to:

A. Build and maintain a secure network, which includes installation and maintenance of firewall configurations to protect cardholder data.

B. Not use vendor-supplied defaults for system passwords and other security parameters.

C. Protect cardholder data.

1. The card verification code or value (three (3) digit or four (4) digit code printed on the front or back of the credit card) is not to be stored under any circumstances.

2. The personal identification number ("PIN") or the encrypted PIN block is not to be stored under any circumstances.

3. All primary account numbers ("PANs") should be masked. Viewing will be limited to employees and other parties with a legitimate need to know.

D. Encrypt transmission of cardholder data across open, public networks.

E. Maintain a vulnerability management program, which includes protection against malware and the use of antivirus software that is routinely updated.

F. Develop and maintain secure systems and applications.

G. Implement strong access control measures.

H. Identify and authenticate access to system components.

I. Restrict physical access to cardholder data internally and externally. All paper and electronic records must be stored in secure locations.

J. Track and monitor all access to network resources and cardholder data.

K. Regularly test security systems and processes.

L. Maintain an Information Security Policy – maintain a policy that addresses information security. The policy outlines the Board's incident response plan.

The Treasurer/CFO shall perform periodic audits and advise the Board of the results of such audits and evaluations and of any related action necessary to maintain compliance.

The Treasurer/CFO shall also be responsible for filing annual compliance certificates as required.

Breach of Data

Upon discovering that any Board system has been subject to a breach which compromises personal information, including an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one (1) or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable:

A. Social security number;

B. Driver's license number or State identification card number;

C. Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

All employees are required to immediately notify the Treasurer/CFO upon discovering that any system containing personal information has been breached. Failure to do so may result in discipline, up to and including termination.

Following the discovery or notification that a system containing personal information has been compromised, the Treasurer/CFO or designee shall promptly send written or electronic notice to any resident of Ohio whose personal information was or may have been exposed if the access and acquisition by an unauthorized individual or entity causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident. Notice must be sent no later than forty-five (45) days after discovering the breach, unless such notice interferes with law enforcement activities. The notice will inform the individual of the data that may have been accessed and acquired, as well as what steps have been taken to restore the system’s integrity.

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po6110

GRANT FUNDS

6110 - **GRANT FUNDS**

It is the objective of the Governing Board to provide equal educational opportunities for all Educational Service Center ("ESC" or "Center") students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Center that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs the Superintendent deems would be of aid to the students of this Center. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local ESCs and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the Center shall be used to:

A. develop or distribute materials, or operate programs or courses of instruction directed at youths, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;

C. provide sex education or HIV-prevention education in schools unless that instruction is age-appropriate and includes the health benefits of abstinence; or

D. operate a program of contraceptive distribution in schools.

Grant Proposal Development

A. All grant proposals must support at least one (1) Center goal or priority.

B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

Mandatory Disclosures

The Center must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the civil False Claims Act (2 C.F.R. 200.113)

regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency and the agency's Office of Inspector General, and to the pass-through entity.

Whistleblower Protections

An employee of the Center may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1411/3211/4211 - Whistleblower Protection and Policy 8900 - Anti-Fraud.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Center policies.

B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.

C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.

D. The Center, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.

E. All Federal funds received by the Center will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the Center's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

   Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Center shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as Center policies.

The Center shall provide for the following:

A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, the year the Federal award was issued, and name of the Federal agency or pass-through entity.

B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

C. Records that sufficiently identify the amount, source, and expenditure of Federal funds for Federal awards. These records must contain information necessary to identify Federal awards, authorizations, financial obligations, unobligated balances, as well as assets, expenditures, income, and interest. All records must be supported by source documentation.

D. Effective control over and accountability for all funds, property, and assets. The Center must adequately safeguard all assets and ensure they are used solely for authorized purposes.

   Further, the Center must:

   1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Center is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

   2. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

   3. evaluate and monitor the Center's compliance with statutes, regulations, and the terms and conditions of the Federal award; and

   4. take prompt action when instances of noncompliance are identified.

E. Reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal awarding agency or pass-through entity designates as sensitive or other information the Center considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

F. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.

G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability including, but not limited to, the following areas:

1. cash management in accordance with 2 C.F.R. 200.305

2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award

3. conflict of interest

4. procurement

5. equipment management

6. conducting technical evaluations of proposals and selecting recipients

7. compensation and fringe benefits

8. travel

H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the Center.

Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the Center expends $1,000,000 or more in Federal awards during the Center's fiscal year. When Federal awards expended are less than $1,000,000, the Center may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the Center's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The Center shall:

A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;

B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;

C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and

D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the Center. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The Center shall retain all Federal award records for three (3) years from the date of submission of the final financial report or longer if required by the Board-adopted retention schedule.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of

commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and similar revenues raised by a recipient are not program income. Proceeds from the sale of real property, equipment, or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless the Center has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Center uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the Center is otherwise directed by the Federal agency or pass-through entity.

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po6111

INTERNAL CONTROLS

6111 - **INTERNAL CONTROLS**

The Superintendent shall establish, document, and maintain effective internal controls over Federal awards that provide reasonable assurance that the Educational Service Center ("ESC" or "Center") is managing all awards in compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the awards. The Center will have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations;

B. reliability of reporting for internal and external use; and

C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect

on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the Center's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The Center shall:

A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

B. evaluate and monitor its compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the award;

C. take prompt action when instances of noncompliance are identified; and

D. take reasonable cybersecurity and other measures to safeguard protected information including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the Center considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

   PII is defined at 2 C.F.R. 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

   However, the definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Suggested Resources:

A. "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;

B. "Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

C. "Compliance Supplement" issued by the U.S. Office of Management and Budget; and

D. Internal control guidance issued by the U.S. Department of Education.

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CASH MANAGEMENT OF GRANTS

6112 - **CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The Educational Service Center's ("ESC" or "Center") payment methods shall minimize the time elapsing between the transfer of funds from the Federal agency or the Ohio Department of Education & Workforce ("DEW") (pass-through entity) and disbursement by the Center, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Center shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The Center shall request grant fund payments in accordance with the provisions of the grant. Additionally, the Center's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Treasurer/CFO is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the Center uses a cash advance payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursements by the Center for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The Center shall make timely payments to contractors in accordance with contract provisions.

C. Whenever possible, advance payment requests by the Center must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or DEW.

D. If available, the Center shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments.

E. The Center shall account for the receipt, obligation, and expenditure of funds.

F. Advance payments will be deposited and maintained in insured accounts whenever possible.

G. Advance payments will be maintained in interest-bearing accounts unless the following apply:

1. The Center receives less than $250,000 in Federal funding per year.

2. The best available interest-bearing account would not reasonably be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).

H. Pursuant to Federal law and regulations, the Center may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either the Automated Clearing House ("ACH") network or a Fedwire Funds Service payment.

I. All interest in excess of $500 per year must be returned to PMS regardless of whether the Center was paid through PMS. Instructions for returning interest can be found at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

J. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

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po6114

COST PRINCIPLES - SPENDING FEDERAL FUNDS

6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

   To determine whether a cost is reasonable, consideration shall be given to:

   1. whether a cost is generally recognized as ordinary and necessary for the operation or the proper and efficient performance of the Federal award;

   2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;

3. market prices for comparable costs for the geographic area;

4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the Educational Service Center ("ESC" or "Center"), its employees, its students or membership (if applicable), the public at large, and the Federal Government; and

5. the degree to which the cost represents a deviation from the Governing Board's established written policies and procedures for incurring costs.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Center can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;

2. the cost is identified in the approved budget or application;

3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment;

5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the cost is assignable to that Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;

2. benefits both the Federal award and other work of the Center and can be distributed in proportions that may be approximated using reasonable methods; or

3. is necessary to the overall operation of the Center and is assignable, in part, to the Federal award in accordance with these cost principles.

B. Conform to any limitations or exclusions set forth in the cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Center.

D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like

circumstances has been allocated to a Federal award as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits, or offsets.

The term applicable credits refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the Center relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Be not included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.

H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for Center personnel to account for time and efforts expended on grant-funded programs to ensure that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to

carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations of the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308. Prior written approval from the Federal agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The Center shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Center staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Center, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and Center personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

A. Capital expenditures for general-purpose equipment, buildings, and land are allowable as direct charges, but only with the prior written approval of the Federal agency or pass-through entity.

B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $10,000 or more have the prior written approval of the Federal agency or pass-through entity.

C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are allowable as a direct cost but

only with the prior written approval of the Federal agency or pass-through entity.

D. All Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.

F. When approved as a direct cost by the Federal agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal agency.

G. The Center may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.

H. If the Center is instructed by the Federal agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

Prior Written Approval

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the Center may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally

funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than $10,000.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the Center, the governing body of the Center, compensation of the Superintendent, compensation of the chief executive officer of any component of the Center, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.

2. Individuals involved can be specifically identified with the project or activity.

3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Ohio Department of Education and Workforce ("DEW") or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

A. Acquisition of property - on the date which the Center makes a binding written commitment to acquire the property.

B. Personal services by an employee of the Center - when the services are performed.

C. Personal services by a contractor who is not an employee of the Center - on the date which the Center makes a binding written commitment to obtain the services.

D. Performance of work other than personal services - on the date when the Center makes a binding written commitment to obtain the work.

E. Public utility services - when the Center receives the services.

F. Travel - when the travel is taken.

G. Rental of property - when the Center uses the property.

H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance shall be specific to the Federal award and consistent with 2 C.F.R. 200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and

will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., DEW) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the Center extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the Center shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by DEW and the Center). Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the agency. Consequently, the Center shall closely monitor grant spending throughout the grant cycle.

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po6140

DEPOSITORY AGREEMENTS

6140 - **DEPOSITORY AGREEMENTS**

The Governing Board shall adopt a resolution at least every five (5) years designating those banks and other depositories of public funds in which the Treasurer/CFO may deposit active and/or interim funds of the ESC, and authorizing the Treasurer/CFO to enter agreements with said banks and other depositories on behalf of the Governing Board. The Governing Board shall also make periodic changes if it is in the Governing Board's best interest to appoint an additional depository or if one (1) or more of the designated depositories are found to be insolvent or operating in an unsound manner.

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po6144

INVESTMENTS

6144 - **INVESTMENTS**

The Governing Board authorizes the Treasurer/CFO to make investments of available monies from the funds of the ESC in securities authorized by State law. These shall include:

A. bonds, notes, or other obligations of or guaranteed by the United States, or those for which the faith of the United States is pledged for payment of principal and interest thereon but does not include stripped principal or interest obligations of such obligations;

B. bonds, notes, debentures, or any other obligations or securities directly issued by a Federal government agency or instrumentality;

C. interim deposits in Governing Board-approved depositories;

D. bonds and other obligations of the State or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply the:

1. bonds or other obligations are payable from the political subdivision's general revenues and backed by the full faith and credit of the political subdivision;

2. bonds or other obligations are rated, at the time of purchase, in the three (3) highest classifications established by at least one (1) nationally recognized standard rating service and purchased through a registered securities broker or dealer;

3. aggregate value of the bonds or other obligations does not exceed twenty percent (20%) of interim monies available for investment at the time of purchase; and

4. Treasurer/CFO is not the sole purchaser of the bonds or other obligations at original issuance.

E. no-load money market mutual funds consisting exclusively of obligations described in A. and B. above or repurchase agreements secured by such obligations, provided such investments are made only through eligible institutions authorized by R.C. 135.03; and

F. the Ohio Subdivision Fund ("STAR Ohio").

Under no circumstances may the Treasurer/CFO invest in a derivative as defined by the Revised Code, reverse repurchase agreements, or other funds prohibited by law. The Treasurer/CFO shall also not make investments which s/he does not reasonably believe can be held until the maturity date or leverage any investment.

No investment shall be made under division (D), as described above, unless the Treasurer/CFO has completed additional training that has been approved by the Treasurer of State and is either conducted by or provided under the supervision of the Treasurer of State.

The Treasurer/CFO is also authorized to enter into written repurchase agreements with any eligible institution in accordance with R.C. 135.03 provided that under the terms of the agreement the eligible institution agrees unconditionally to repurchase any of the securities listed in divisions (A) through (E), above. Such agreements may be either overnight or within a time not to exceed thirty (30) days and shall comply with the requirements of R.C. 135.14(E).

Upon a two-thirds (2/3's) vote of its members, the Governing Board may authorize the Treasurer/CFO to invest to a maximum of forty percent (40%) of the ESC's interim funds in either of the following:

A. Commercial paper notes issued by a for-profit corporation, business trust or association, real estate investment trust, common-law trust, unincorporated business, or general or limited partnership which has assets exceeding $500,000,000. Such notes shall:

    1. be rated at the time of purchase in the highest classification established by at least two (2) nationally recognized standard rating services;

    2. have an aggregate value that does not exceed ten percent (10%) of the outstanding commercial paper of the issuing entity;

    3. mature not later than 270 days after purchase; and

    4. be limited to the aggregate of five percent (5%) of interim monies available for investment at the time of purchase, when issued by a single issuer.

B. Bankers' acceptances of banks that are insured by the Federal Deposit Insurance Corporation ("FDIC") and that mature no later than 180 days after purchase.

Investments made by the Treasurer/CFO shall mature within five (5) years from the date of settlement unless they are matched to a specific obligation or debt of the ESC.

The Treasurer/CFO shall prepare annually and submit to the Governing Board, the Superintendent of Public Instruction, and the Auditor of State, on or before August 31st, a report listing each investment made pursuant to (A) and (B) above, during the preceding fiscal year, income earned from such investments, fees and commissions

paid in connection with the investments, and any other information required by the Governing Board, Superintendent, and the Auditor of State.

The purpose of the investments is to maximize the returns on the ESC's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.

In making investments authorized by R.C. 135.14, the Treasurer/CFO may retain the services of an investment advisor, provided the advisor is licensed by the Division of Securities under R.C. 1707.141, or is registered with the Securities and Exchange Commission, and possesses experience in public funds investment management, specifically in the area of State and local government investment portfolios, or the advisor is an eligible institution in accordance with R.C. 135.03.

Whenever the Treasurer/CFO classifies public money as interim funds, the Treasurer/CFO shall notify the Governing Board within thirty (30) days. If the Governing Board does not agree with the Treasurer/CFO's classification or investment(s), the Governing Board may order the Treasurer/CFO to sell or liquidate any investment(s) or deposits. The Governing Board's order shall specifically describe the investment(s) or deposit(s) and fix the date upon which they are to be sold or liquidated for cash at the current market price. Neither the Treasurer/CFO nor the members of the Governing Board shall be held accountable for any loss occasioned by sales or liquidations of investment(s) or deposit(s) at prices lower than their cost. Any loss or expense incurred in making such sales or liquidation is payable as other expenses of the Treasurer/CFO's office.

Unless the ESC's annual portfolio of investments is $100,000 or less, the Treasurer/CFO shall place on file with the Auditor of State a written investment policy that has been approved by the Governing Board and signed by all entities conducting investment business with the Governing Board.

Earnings on an investment may become a part of the fund from which the investment was made unless set forth below or otherwise specified by law:

A. Interest earned in any trust funds (funds 007 or 008) is receipted directly into that fund, based on the following formula:

(prior end of month fund balance ÷ prior end of month fund balance for all funds) x (current month's interest)

B. Interest may be posted directly to funds other than those mentioned above as a result of specific Governing Board action.

The Treasurer/CFO, acting in accord with the law, may withdraw funds from approved public depositories or sell negotiable instruments prior to maturity.

Provided the Governing Board has no outstanding obligation(s) with respect to a loan received under the authority of R.C. 3313.483, the Treasurer of State and the Governing Board issuing obligations under R.C. Chapter 133 that mature within one (1) year from the original date of issuance may enter into an agreement providing for:

A. the purchase of those obligations by the Treasurer of State on terms and subject to conditions set forth in the agreement;

B. the payment by the Governing Board to the Treasurer of State of a reasonable fee as consideration for the agreement of the Treasurer of State to purchase those obligations.

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BORROWING

6145 - **BORROWING**

Upon the initiative of the Governing Board and as provided by the laws of the State of Ohio, including the Uniform Bond Law and the Ohio Constitution the Treasurer/CFO shall prepare the data and applications regarding the borrowing of State Aid Notes, Tax Anticipation Notes, and Bond Issues.

Bids shall be solicited for all short term loans which the Governing Board has authorized. Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Governing Board.

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TUITION INCOME

6150 - **TUITION INCOME**

The Governing Board shall assess tuition for attendance in ESC educational services/schools/programs.

The Treasurer/CFO shall be responsible for the assessment and attempted collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

When payment of tuition is more than thirty (30) days overdue, services may be terminated to the extent permitted by law.

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BAD CHECKS

6151 - **BAD CHECKS**

When the ESC receives a check from an individual or entity that, when deposited, is returned, dishonored, or marked “insufficient funds,” the Treasurer/CFO shall provide an opportunity for the payer to make proper payment, as well as any insufficient fund and related fees, or to arrange for a satisfactory payment schedule. If payment is not received within seven (7) calendar days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Governing Board authorizes the Treasurer/CFO to remove the fee or charge from the ESC’s Accounts Receivable and to take appropriate action against the individual or entity.

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po6210

FISCAL PLANNING

6210 - **FISCAL PLANNING**

The Governing Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the ESC and to plan for the financial needs of the educational program. Accordingly, the Governing Board directs the Treasurer/CFO to report to the Governing Board any serious financial implications that emerge from the ESC's ongoing fiscal planning.

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AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS

6233 - **AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS**

The Governing Board recognizes the value in providing meals, refreshments, and/or other amenities for staff, students, citizens, advisory groups who participate in meetings and staff development sessions, or on other occasions as deemed appropriate by the administration.

The Governing Board hereby affirms that these expenses do serve a valid and proper public purpose. The Governing Board believes that the "public purpose" served is the promotion of education, enhancement of morale, and rapport, and the encouragement of participation in said activities. However, under no circumstances shall public funds be expended for the purchase of alcoholic beverages.

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po6320

PURCHASING AND BIDDING

6320 - **PURCHASING AND BIDDING**

Quotations and Bids

It is the policy of the Governing Board that the Treasurer/CFO seek at least three (3) price quotations on purchases of more than $25,000 for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the Educational Service Center ("Center") or when the item is subject to formal bid. Standardized purchasing procedures of the ESC shall be followed when purchasing on the basis of price quotations from vendors.

Limitations

All purchases that are within the amount contained in the fund of the appropriation may be made upon authorization of the Treasurer/CFO.

The Treasurer/CFO is authorized to adjust appropriations within a fund in order to make necessary purchases and shall report such modifications at the following regular Governing Board meeting.

“Blanket” Certificates

The Treasurer/CFO may issue "blanket" purchase orders (certificates) for a sum not exceeding an amount established by resolution of the Board against any specific line item account over a period of time, not to extend beyond the end of the fiscal year in which it is issued. Only one (1) "blanket" purchase order (certificate) may be outstanding at any one (1) particular time for any one (1) particular line item appropriation.

"Super Blanket" Certificates

The Treasurer/CFO may issue "super blanket" purchase orders (certificates) for any amount for expenditures and contracts from a specific line-item appropriation account in a specified fund for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. Such a purchase order (certificate) shall not extend beyond the fiscal year.

Contracts for Development and Improvement of Facilities

All contemplated contracts for professional design services such as from an architect or for construction management shall be in accordance with R.C. 9.33, 9.333, and 153.54 et seq.

Competitive Bidding

When the Board determines to build, repair, enlarge, improve, or demolish any building or other property, the cost of which will exceed the amount to be determined and published by the Ohio Director of Commerce, or for the purchase (or lease-purchase) of school buses, the Treasurer/CFO or designee shall obtain competitive bids.

In accordance with statute, the Board may elect to forego the bidding for contracts in any of the following situations if:

A. the Board elects and declares by resolution to participate in purchase contracts, in accordance with R.C. Chapter 125 and the terms and conditions prescribed by the Department of Administrative Services;

B. the Board determines and declares by resolution adopted by two-thirds (2/3's) of its members that any item is available and can be acquired from a single source;

C. the Board declares by resolution adopted by two-thirds (2/3's) of its members that the installation, modification, and/or remodeling subject to contracting is involved in an energy conservation measure undertaken through an installment payment contract under R.C. 3313.372 or pursuant to R.C. 133.06(G);

D. the Board finds and determines that an urgent necessity exists (as defined by statute) with respect to a particular improvement; and

E. pursuant to R.C. 9.48, the Governing Board participates in a joint purchasing program, operated by or through a national or State association of political subdivisions in which the Governing Board is eligible for membership or through the Federal government or another political subdivision.

The Superintendent shall verify that the specifications for any public improvement project for which bids are solicited do not require any bidder to:

A. enter into agreements with labor organizations on said public improvement; or

B. enter into an agreement that requires its employees to become members of or pay fees or dues to a labor organization as a condition of employment or

continued employment.

Bidding shall be conducted in accordance with R.C. 3313.46 and related statutes.

Bids shall be sealed and shall be opened by the Treasurer/CFO or designee in the presence of at least one (1) witness.

Soliciting of Bids

The Board, by resolution, may award a bid to the lowest responsible bidder. For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

A. the experience (type of product or service being purchased, etc.) of the bidder;

B. the financial condition;

C. the conduct and performance on previous contracts (with the ESC or other agencies);

D. the bidder's facilities;

E. management skills;

F. the ability to execute the contract properly; and

G. a signed affidavit affirming that neither the bidder nor any sub-contractor has entered into an agreement with any labor organization regarding the public improvement project.

Awarding of Bids

The Board shall approve all contracts resulting from competitive bids prior to being awarded. The Governing Board reserves the right to reject any or all bids.

In situations in which the Board has resolved to award a bid to the lowest responsible bidder and the low bidder does not meet the considerations specified above, the Governing Board shall so notify the bidder, in writing, by certified mail.

Purchase of School Buses and Certain Other Motor Vehicles

The Board shall use competitive bidding to enter into an agreement for the purchase or lease-purchase of a school bus unless an exception to bidding applies. The term “school bus” includes any vehicle designed to carry more than nine (9) passengers excluding the driver. Bids shall indicate that prior to delivery of the bus must comply with all applicable State laws and regulations, including the Ohio Pupil Transportation Operation and Safety Rules. No bid bonds will be required unless requested by the Board during the competitive bidding process. The Board is not required to use competitive bidding to rent or lease a school bus as long as the agreement does not include a provision for the purchase of the bus.

For the purchase of motor vehicles other than school buses, the Board will follow the adopted procedures to obtain price quotations prior to purchase when applicable. Standardized purchasing procedures of the ESC shall be followed when purchasing a motor vehicle other than a school bus.

Lease-Purchase Agreements

Lease-purchase agreements entered into by the Board shall be in accordance with R.C. 3313.375. Such agreements shall be a series of not more than thirty (30) one-year renewable lease terms, after which time ownership is transferred to the Board if all obligations of the Board under the agreement have been satisfied.

Purchases from the State

In accordance with State law (R.C. 4115.31 et seq.), the Superintendent shall purchase products and services which are available from the Ohio Industries for the Handicapped (OIH) when such products or services are needed by the ESC. The Superintendent is to maintain the current catalog provided by OIH and inform all ESC personnel who may be purchasing products or services of the catalog's current listings.

Requirements

Before the Treasurer/CFO places a purchase order, they shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the ESC. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained; and

B. where the requisitioner has recommended a supplier, the Treasurer/CFO may make alternate suggestions to the requisitioner if, in their judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order.

The Board may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

Reverse Auctions

It is the policy of the Board to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process shall be advantageous to the ESC (e.g., result in a cost savings to the ESC). To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement.

The Board shall provide notice of the request for proposals and award contracts. When competitive sealed bidding and/or competitive sealed proposals for the purchase of services or supplies are required by law, purchases made by reverse auction shall satisfy such legal requirement.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and Federally-funded programs. The ESC shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy.

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po6325

PROCUREMENT - FEDERAL GRANTS/FUNDS

6325 - **PROCUREMENT - FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or Educational Service Center ("ESC" or "Center") matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Governing Board policies, and administrative procedures.

The Treasurer/CFO shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, for the administration and management of Federal grants and Federally-funded programs. The Center shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Center's documented general purchasing Policy 6320 and AG 6320A.

When required by Federal program legislation, all Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc., must comply with Davis-Bacon prevailing wage requirements.

All Center employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113, and Policy 4113 - Conflict of Interest.

The Center will avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis shall be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Center may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

Competition

All procurement transactions under the Federal award paid for from Federal funds or Center matching funds shall be conducted in a manner that provides full and open competition and that is in accordance with 2 C.F.R. Part 200, good administrative practice, and sound business judgment. To ensure objective contractor performance and eliminate unfair competitive advantage, the Center shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to:

A. unreasonable requirements on firms for them to qualify to do business

B. unnecessary experience and excessive bonding requirements

C. noncompetitive pricing practices between firms or between affiliated companies

D. noncompetitive contracts to consultants that are on retainer contracts

E. organizational conflicts of interest

F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement

G. any arbitrary action in the procurement process

To the extent that the Center uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The Center allows vendors to apply for consideration to be placed on the list continuously.

The Educational Services Center shall require that all prequalified lists of persons, firms, or products which are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the Center (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The Center shall not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

Solicitation Language (Purchasing Procedures)

The Educational Services Center shall have written procurement procedures (in accordance with 2 C.F.R 200.319(d)) that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service shall conform. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement requirements may be used. The specific features of the named brand must be clearly stated and the Center must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Educational Services Center shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. **Informal Procurement Methods**

Informal procurement methods for small purchases expedite the completion of

transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold or a lower threshold established by the State. The informal procurement methods include:

1. **Micro-Purchases**

   Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $15,000. To the extent practicable, the Center should distribute micro-purchases equitably among qualified suppliers.

   Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history, or other relevant information, and maintains documents to support its conclusion. The Center shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. **Small Purchases**

   Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of $350,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

   Centers are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations ("FAR"). When applicable, a lower simplified acquisition threshold used by the Center must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. **Formal Procurement Methods**

When the value of the procurement for property or services under a Federal

award exceeds the simplified acquisition threshold or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. **Sealed Bids**

   Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than $350,000 and when the Board determines to build, repair, enlarge, improve, or demolish any building or other property, the cost of which will exceed the amount to be determined and published by the Ohio Director of Commerce.

   In order for sealed bidding to be feasible, the following conditions shall be present:

   a. a complete, adequate, and realistic specification or purchase description is available;

   b. two (2) or more responsible bidders have been identified as willing and able to compete effectively for the business; and

   c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from a minimum of three (3) qualified suppliers, providing sufficient response time prior to the date

set for the opening of bids. The invitation to bid shall be publicly advertised.

b. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.

c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

d. A firm fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the Center determines they are a valid factor based on prior experience.

e. The Board reserves the right to reject any or all bids but must document and provide a justification for all bids it rejects.

2. **Proposals**

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement contract is awarded. This method is used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

a. Requests for proposals require public notice and must identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

b. Proposals shall be solicited from a minimum of three (3) sources.

c. The Center must have written procedures for conducting technical evaluations and for making selections.

d. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the Center considering price and other factors.

The Center may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

3. **Noncompetitive Procurement**

Procurement by noncompetitive proposals may be used only when one (1) or more of the following circumstances apply:

a. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

b. the procurement transaction can only be fulfilled by a single source;

c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

d. the Center requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or

e. after soliciting several sources, competition is determined to be inadequate.

4. **Noncompetitive Purchases Through Educational Service Centers (ESCs)**

Under State law, the Board may enter into a contract with an educational service center ("ESC" or "Center") that authorizes the Center to make purchases for supplies, materials, equipment, and services or the delivery of services on the District's behalf. These contracts promote operational efficiency and cost savings, and further enhance the educational experience for students. Purchases made through such contracts are exempt from competitive bidding.

The District may apply for approval from the Department of Education and Workforce ("DEW") to use a noncompetitive purchasing method to procure personnel-based services from an ESC only when the following criteria are met:

a. the ESC posts a list of all services it provides, including costs of these services, on its website;

b. the ESC has been designated as "high performing" by the DEW; and

c. DEW as the pass-through state entity has determined that the ESC was substantially in compliance with all audit rules and guidelines during the most recent audit conducted by the Auditor of State.

The Treasurer/CFO will submit an application and any required documentation to DEW on the designated form requesting approval for use of a noncompetitive purchasing method for personnel services. Purchases will not be made until the application is approved. Notice of approval will be maintained by the Treasurer/CFO.

Domestic Preference for Procurement

The Center should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, contracts, and purchase orders under the Federal award.

Procurement of Recovered Materials

The Center must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

A. procuring only items designated in the guidelines of the Environmental Protection Agency ("EPA") at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000;

B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and

C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The Center should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contract/Price Analysis

The Center shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently $350,000 effective October 1, 2025). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the Center should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the Center must make independent estimates before receiving bids or proposals.

A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The Center must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the Center according to cost principle requirements.

Time and Materials Contracts

The Educational Services Center uses a time-and-materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the Center is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Center sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Center shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The Center will award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed contract. All purchasing decisions shall be made in the best interests of the Center and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Center shall consider such factors as 1) contractor integrity; 2) public policy; 3) compliance; 4) proper classification of employees; 5) record of past performance; and 6) financial and technical resources.

The Educational Services Center shall not subcontract with or award subgrants to any person or company that is debarred or suspended. For contracts over $25,000, the Center shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The Center maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals ("RFPs") or the individual bid specifications package for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The Center shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Records Retention

The Center must retain all Federal award records for three (3) years from the date of submission of the final financial report, or as otherwise required pursuant to the Board-adopted records retention schedule, whichever is longer. For awards that are renewed quarterly or annually, the Center must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, or as otherwise required pursuant to the Board-adopted records retention schedule, if longer. Records to be retained include, but are not limited to, financial records, supporting

documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334 and the Board-adopted records retention schedule.

The Center must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The Center may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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po6350

PROHIBITION AGAINST CONTRACTING WITH A PERSON AGAINST WHOM AN UNRESOLVED FINDING FOR RECOVERY HAS BEEN ISSUED

6350 - **PROHIBITION AGAINST CONTRACTING WITH A PERSON AGAINST WHOM AN UNRESOLVED FINDING FOR RECOVERY HAS BEEN ISSUED**

The Governing Board shall not award a contract for goods, services or construction, which is paid in whole or in part with public funds, to a person against whom a finding for recovery has been issued by the Auditor of State on or after January 1, 2001, if the finding for recovery is unresolved.

Findings for Recovery

A finding for recovery is a determination by the Auditor of State that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated. A finding for recovery is unresolved unless:

A. the money identified in the finding for recovery is paid in full to the State agency or political subdivision to whom the money was owed;

B. the debtor has entered into a repayment plan that is approved by the Attorney General and the State agency or political subdivision to whom the money identified in the finding for recovery is owned;

C. the Attorney General waives a repayment plan described in (B.) for good cause;

D. the debtor and State agency or political subdivision to whom the money identified in the finding for recovery is owed have agreed to a payment plan established through an enforceable settlement agreement;

E. the State agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true:

1. essential services that the State agency or political subdivision is seeking to obtain from the debtor cannot be provided by any other person besides the debtor;

2. awarding a contract to the debtor for the essential services described above is in the best interest of the State; and

3. good faith efforts have been made to collect the money identified in the finding for recovery.

F. the debtor has commenced an action to contest the finding for recovery and a final determination on the action has not yet been reached.

Verifying Status Regarding Findings for Recovery

Prior to the Governing Board awarding a contract for goods, services, or construction, paid in part or in whole with public funds, the Treasurer/CFO, as the Governing Board's designee, shall verify that the person or entity to whom the contract is to be awarded does not appear in the database maintained by the Auditor of State, listing those with findings for recovery against them. The Treasurer/CFO shall then print a certification page from the database, documenting that the person or entity is not subject to an unresolved finding for recovery, and keep this certification on file.

Contracts Not Applicable

This policy does not apply to contracts that meet the following criteria:

A. The cost for the goods, services, or construction under the contract is estimated to cost less than $25,000; or

B. the aggregate cost for the goods, services, or construction under multiple contracts entered into within the fiscal year preceding the fiscal year within which the contract is being entered into by the same parties is estimated to cost less than $50,000.

The policy may apply to a contract renewal of a contract previously entered into and renewed pursuant to that preceding contract as long as it is not exempt because of the contract amount.

The policy does not apply to contracts with bonding companies or insurance companies unless a court has entered a final judgment against the company and the company has not yet satisfied the final judgment.

The policy does not apply to employment contracts.

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po6423

USE OF CREDIT CARDS

6423 - **USE OF CREDIT CARDS**

The Governing Board recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of Educational Service Center credit cards. The name of the Center shall appear on each Center credit card and check related to a credit card account held by the Center. A "credit card account" shall include any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or otherwise transact with the account, and any debit or gift card account related to the receipt of grant monies. The term expressly excludes any procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the account.

The authorization, handling and use of credit cards has been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the Center and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal.

Accrual and use of frequent flyer miles, credit card rewards, hotel points, or other rewards earned during official business is permitted, provided that these rewards are earned the same way as members of the public would earn them, and they do not

impose additional costs to the Center. Such accrual and use shall be in accordance with Policy 6465 - Public Office Award Program.

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 Center who knowingly misuses a credit card account is guilty of the criminal offense of misuse of credit cards. Violations will be reported to the appropriate law enforcement authorities and any applicable licensure board(s).

The Treasurer/CFO shall be responsible for the initial issuance, reissuance, and cancellation of Center credit cards and shall maintain written procedures and all appropriate records and reports regarding the Center's credit card account(s). Records and reports will be maintained and made available for review in accordance with this policy and State law.

All officers and employees are required to immediately report lost or stolen credit cards or notice of a possible data breach involving a Center credit card to their immediate supervisor and the Treasurer/CFO. The Treasurer/CFO will notify the entity that issued the credit card and request cancellation of the lost or stolen card as soon as practicable.

The sum of all credit card accounts shall not exceed $5,000.

Subject to the discretion of the Governing Board and the approval of the Superintendent, credit cards may be used for eligible goods and services including:

A. transportation reservations and expenses;

B. conference registrations;

C. hotel reservation guarantees and expenses;

D. reasonable meal expenses (both in-town and out-of-town), including a maximum gratuity of twenty percent (20%), but excluding alcoholic beverages;

E. purchases from vendors who do not accept purchase orders or vouchers, with prior approval from the Superintendent;

F. safety and security reasons in connection with a student field trip, competition, and/or other activity or event, if monies are budgeted and deposited with the Treasurer in advance;

G. other purchases approved by the Superintendent on a case-by-case basis.

Officers and employees are liable in person and upon official bond for any unauthorized use of credit cards and any officer or employee who suspects the loss, theft, or possibility of unauthorized use of a credit card must notify the Treasurer/CFO immediately, who shall notify the Board.

The Board prohibits the use of debit card accounts except for the receipt of grant monies. Any officer or employee of the Center who uses a debit card account for any other purpose is guilty of the criminal offense of misuse of credit cards.

Use of the Center credit card for any cash withdrawal transaction is strictly prohibited.

The Treasurer/CFO shall retain general possession and control of the credit card account or presentation instruments related to an account, such as credit cards and

checks.

The Superintendent shall develop administrative guidelines that specify those employees authorized to use credit cards, the types of expenses which can be paid by credit card, and their proper supervision and use. Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative guidelines may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution. Violations will also be reported to the applicable licensure board(s).

The Board authorizes the following employees to use Center credit cards:

A. Superintendent;

B. Treasurer/CFO.

Each request for use of a Center credit card shall contain:

A. date needed,

B. date to be returned,

C. purpose,

D. authorization.

Upon receipt of a Center credit card, employees shall:

A. inform merchants that the purchase is for “official School Center business” and is not subject to State or local sales tax;

   However, if the merchant fails to waive the tax, the employee shall pay it. For large purchases where the merchant refuses to waive the tax, the employee shall present a tax exemption form.

B. maintain credit cards in a secure fashion and prevent unauthorized charges to the account;

C. use reasonable care when making purchases online, refrain from providing the credit card number to unknown online merchants, and do not auto-save credit card number for any online account;

D. maintain sufficient documentation of all purchases, including, but not limited to, charge receipts, original cash register slip or other detailed receipt, and invoices;

E. provide documentation of all purchases to the Treasurer/CFO in a timely manner to ensure prompt payment;

F. refrain from allowing anyone else to use the credit card or account number;

G. refrain from splitting the costs of an invoice or purchase in order to circumvent the credit card process and established, pre-approved single purchase limits, monthly spending limits, and/or funds availability.

The officer or employee is liable in person and upon any official bond to reimburse the Center the amount for which the officer or employee does not provide itemized

receipts in accordance with the credit card policy described herein.

Employees, when possible, shall include an original cash register slip or other detailed receipt (i.e., a receipt from a restaurant itemizing all purchases made), in addition to the receipt copy of all charges. In addition, employees shall include, shipping documents and receipts received with the merchandise.

Employees shall specify on the back of the receipt the following information:

A. a brief description of the school-related purpose of the purchase

B. the names and affiliation of each attendee if a purchase is made on behalf of a group of individuals

C. verification that family members or other individuals having no school-related purpose for their attendance paid their own expenses

Failure to return Center credit cards and/or receipts within the above-referenced time period may result in the suspension of credit card privileges and/or charges being deemed unrelated or unsubstantiated.

Employees shall be responsible for any and all unrelated or unsubstantiated purchases and shall be required to make full reimbursement to the Center within thirty (30) business days.

If an employee reimburses the Center for an unsupported purchase, it shall be documented in the monthly credit card reconciliation.

The Treasurer/CFO will keep a record/activity log of all credit card uses and review and approve all purchases to verify that the expenses are incurred in connection with Board-approved or school-related activities, are for the benefit of the Center, and serve a valid and proper public purpose prior to disbursing public funds for payment of such expenses.

Any and all reviews and approvals must be evidenced by the Treasurer/CFO's initials and/or signature.

In addition to evidencing review and approval of the purchase, the Treasurer/CFO should immediately send all questionable items to the employee purchasing the item for explanation. These explanations shall be approved by the employee's immediate supervisor and the Superintendent prior to the payment of such expenses. If an employee reimburses the Center for a questionable purchase, it shall be documented in the monthly credit card reconciliation.

Upon review and approval, all appropriate documentation shall be forwarded to the Treasurer/CFO.

Upon receipt of the appropriate documentation, credit card expenditures will be paid through the Treasurer's office.

The Treasurer/CFO will monitor the credit card account(s) and reconcile all credit accounts on a monthly basis.

The Treasurer/CFO shall file a report with the Board annually, detailing all rewards received based on the use of the Center's credit card account.

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po6424

PROCUREMENT CARDS

6424 - **PROCUREMENT CARDS**

The Governing Board recognizes that procurement cards offer a convenient and efficient method of purchasing minor goods and services, and therefore authorizes use of procurement cards. The Board authorizes the Treasurer/CFO to obtain procurement cards for use with Board-approved vendors. The name of the Educational Service Center shall appear on each card.

Procurement cards are cards issued to authorized employees to make purchases of designated items at authorized businesses, and are linked to either a credit card or bank account. They function like a credit card, except that there are more options for spending controls.

The Treasurer/CFO shall establish per purchase and per month dollar limits with each voucher for every procurement card, the total value of which shall not exceed $500.00 per year. The Treasurer/CFO may also establish limits on the number of purchases that may be made per day, week or month with the card. Purchases must be limited to items in the following Merchant Category Codes:

A. office supplies

B. printing and stationery

C. catering and other food purchases

D. computers and software

E. other purchases approved by the Superintendent on a case-by-case basis.

The bank manages the procurement card and will provide invoices at least monthly. The Treasurer/CFO will approve these invoices prior to payment being made. Employees shall submit itemized receipts within two (2) days after purchases are made.

The Board authorized the following employees to use procurement cards:

A. Superintendent

B. Treasurer

C. Individuals authorized by the Superintendent or Treasurer

Employees who use a procurement card are subject to all procedures and restrictions that apply to the use of credit cards summarized in Policy 6423.

All approved cardholders must agree to abide by procurement card procedures and regulations set forth in this policy as well as Policy 6423 and relevant administrative guidelines. All transactions must be made by the individual to whom the card is issued. Employees are responsible for the security and physical custody of the card. Lost or stolen cards shall be reported immediately to the Treasurer/CFO.

Employees may use procurement cards only for school-related purposes in accordance with State law and Board policy. Procurement cards shall not be used to circumvent the general purchasing procedures required by Ohio law and Board policy. The procurement card may never be used to purchase alcohol or personal items or services. Accrual and use of frequent flyer miles, credit card rewards, hotel points, or

other rewards earned during official business is permitted, provided that these rewards are earned the same way as members of the public would earn them, and they do not impose additional costs to the Center. Such accrual and use shall be in accordance with Policy 6465 - Public Office Award Program.

Employees shall be responsible for any and all unrelated or unsubstantiated purchases and shall be required to make full reimbursement to the Center within thirty (30) business days.

Cardholders will immediately surrender their cards upon request of the Treasurer/CFO for administrative reasons and shall surrender their cards upon separation from employment. This policy and related administrative guidelines cannot cover every issue, exception, or contingency that may arise during the cardholder use of the procurement card.

The Treasurer/CFO shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines. Prices for commonly priced items should be periodically verified to prevent schemes of purposeful price inflation.

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po6425

USE OF CENTER TAX EXEMPT CERTIFICATE

6425 - **USE OF CENTER TAX EXEMPT CERTIFICATE**

In accordance with Ohio law, the Educational Service Center ("Center") is exempt from payment of Ohio's retail sales tax. The Center seeks to prevent waste by ensuring sales tax is not paid erroneously or unnecessarily due to its tax-exempt status.

Purchases of tangible personal property and selected services made by Federal, State, and local governmental employees are subject to the Ohio sales or use tax. The retail sales tax exemption is not transferable to an individual employee of the Center. The exemption applies only when the purchase of goods or services is paid for by the Center using its credit card or other authorized Center account. Purchases directly made by and charged to the Center are considered sales to a public office and are sales tax exempt even if the goods or services are picked up by an employee of the Center. Any invoice or bill of sale/receipt should reflect that the purchaser is the Center, and the Center's credit card or account must be charged. Use of a sales tax-exempt certificate by officials or employees to make purchases for the Center will be approved by the Superintendent in advance.

If a Center official or employee uses a personal credit card or checking account to make purchases on behalf of the Center, the tax-exempt certificate may not be used and sales tax must be paid at the point of sale. Purchases of up to a total amount of $500 made by a Center official or employee using a personal credit card or checking account shall be reimbursed in accordance with Board policy and procedures, provided that the purchase is considered to be for a proper public purpose. If the amount of the purchase and sales tax exceeds this threshold, the purchase must be made using the Center credit card or account and shall be exempt from sales tax.

If sales tax was erroneously charged by a vendor for a Center purchase, the fiscal office will attempt to recover the tax at the point of sale, or file for a refund of the taxed amount with the Ohio Department of Taxation. Erroneous sales tax charges should be reported to the Treasurer promptly when discovered by the official or employee who

made the purchase. Failure to adhere to this policy may result in the issuance of a Finding for Recovery.

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COOPERATIVE PURCHASING

6440 - **COOPERATIVE PURCHASING**

The Governing Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Governing Board, therefore, encourages the administration to seek advantages in savings that may accrue to this ESC through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Governing Board authorizes the Superintendent and/or Treasurer/CFO to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Governing Board and which the Governing Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with applicable laws and regulations, the policies of this Governing Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Governing Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

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LOCAL PURCHASING

6450 - **LOCAL PURCHASING**

The Governing Board recognizes its position as a major purchaser in this community, and while it is the intention of the Governing Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Governing Board prefers to purchase within the ESC from established local merchants.

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VENDOR RELATIONS

6460 - **VENDOR RELATIONS**

The Governing Board shall not enter into a contract knowingly with any supplier of goods or services to this Educational Service Center ("Center") under which any Board member or officer, employee, or agent of this Center has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook of which the person is the author and which has been properly approved for use in the schools of this Center.

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

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

Employee accrual and use of frequent flyer miles, credit card rewards, hotel points, or other rewards earned during official business is permitted, provided that these rewards are earned the same way as members of the public would earn them; and they do not impose additional costs to the Center. Such accrual and use shall be in accordance with Policy 6465 - Public Office Award Program.

Nothing herein shall prevent a school employee, who is not in a position to negotiate or authorize a contract with a vendor, from accepting a discount on goods purchased for personal use from a vendor with whom the Board does business (i.e., that has a contract with the Board) provided the vendor (a) extends the same discount to all of its customers and does not limit it to officials and employees of the Center, (b) offers a uniform discount to all eligible school officials and employees, without limiting the offer to employees with official duties or responsibilities affecting the vendor's financial interest, and (c) does not offer the discount to school officials and employees in exchange for the performance of their public duties. Board members and/or school personnel who negotiate or authorize a vendor's contract are prohibited from accepting any discount offered by the vendor for their personal use. Such individuals also shall not suggest that the vendor offer an employee discount as part of the public contract.

All salespersons, regardless of the product, shall make contact with the Superintendent's office before contacting any teachers, students, or other personnel of the Educational Service Center. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with the policies of the Board on the basis of quality, price, and delivery with past service as a factor if all other considerations are equal.

Requirements for Certain Technology Provider Contracts

Any person or entity who contracts with a Center to provide a school-issued device for dedicated student use and creates, receives, or maintains education records pursuant or incidental to its contract with the Center must meet certain requirements as outlined in State law. For the purpose of this policy, these individuals/entities are referred to as “technology providers.” The term “technology provider” does not include a county board of developmental disabilities, educational service centers, information

technology centers, assessment providers, curriculum providers, or a city, local, or exempted village school district that the Center contracts with to provide school-issued devices to students unless otherwise indicated.

For the purpose of this policy, the term "school-issued device" includes hardware, software, devices, and accounts that the Center or technology provider, at the direction of the Center, provides to an individual student for dedicated student use.

As a condition of doing business with the Center, technology providers who maintain education records as part of their contract to provide school-issued devices are required to comply with Chapter 1347 of the Revised Code to the same extent that the Center is with regard to the collection, use, and protection of the records. Upon discovering that any of the Center's education records are subject to a breach of security, a technology provider must promptly notify the Center and provide all of the information that the Center needs to notify individuals whose personal information has been compromised as required by R.C. 1347.12. All education records created, received, maintained, or disseminated by a technology provider remain the sole property of the Center. Unless renewal of the contract is reasonably anticipated, all education records must be returned to the Center or destroyed using industry-standard destruction protocols within ninety (90) days of the contract's expiration. Technology providers are prohibited from selling, sharing, or disseminating education records unless part of a valid delegation or assignment of its contract, or unless State law otherwise authorizes such action. Technology providers may not use education records for commercial purposes, including for marketing or advertising goods or services to students or parents. Technology providers may use education records which have been stripped of all personally identifiable information for the purposes of improvement, maintenance, development, support, or diagnosis of its site, services, or operations.

All contracts between the Center and technology providers must ensure that appropriate industry-recognized security measures are used to safeguard education records. Contracts must also include provisions that technology providers will 1) only grant access to education records to those employees and contractors who need access to fulfill their official duties; and 2) will take measures to restrict unauthorized access of education records by employees and contractors.

By August 1st each school year, the Center will provide parents and students with direct and timely notice by mail, electronic mail, or another method of direct communication of any contracts the Center has with any provider of curriculum, testing, or assessment technology that affects a student's education records (including those entities which are not otherwise defined as technology providers under this policy). The notice will:

A. identify each curriculum, testing, or assessment technology provider with access to education records;

B. identify the education records affected by the curriculum, testing, or assessment provider contract;

C. notify parents and students that they may request an opportunity to inspect a complete copy of any contract with a technology provider; and

D. provide contact information for the school department or employee that a parent or student should direct any questions or concerns regarding any program or activity that allows curriculum, testing, or assessment technology provider access to a student's education records.

Criminal Background Checks

In accordance with State law, Policy 4121, and Policy 8142, a criminal background check is required of any non-teaching employee, including individuals employed by a private company/vendor under contract with the Board to provide essential school services who will work within the Center in a position which does not require a license issued by the State Board of Education, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody, or control of a child.

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po6465

AFFINITY, REWARDS, OR OTHER DISCOUNT PROGRAMS

6465 - **AFFINITY, REWARDS, OR OTHER DISCOUNT PROGRAMS**

Educational Service Center ("Center") officials or employees may use frequent flyer miles, credit card rewards, hotel points, or other rewards earned during official business in their personal life, provided that the rewards:

A. are earned the same way as members of the public would earn them; and

B. do not impose additional costs onto the Center.

Center officials and employees may only use such rewards in accordance with this policy, and:

A. shall comply with the Center's Conflict of Interest policies (Policy 3112/Policy 4112) and Ohio Ethics Commission Advisory Opinion 2025-02 to avoid violating criminal laws;

B. are prohibited from choosing a hotel, airline, vendor, or service based on whether it provides frequent flyer miles, credit card rewards, hotel rewards, or other similar rewards program points, or in order to earn such rewards or points for their personal use;

C. are prohibited from selecting an airline, hotel, car rental company, or other vendor to earn reward program points when the expenditure results in a higher

cost to the Center;

D. are prohibited from earning and keeping rewards program points, credits, or other rewards for booking conference, event, or group travel for Center staff;

E. are required to select the lowest reasonable rate for Center purchases/expenditures and are prohibited from paying additional costs to earn more rewards program points or credits; and

F. shall comply with the Center's internal controls (see Policy 6114), including internal monitoring mechanisms, in order to identify and mitigate risk on noncompliance.

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PAYMENT OF CLAIMS

6470 - **PAYMENT OF CLAIMS**

The Governing Board directs the prompt payment of legitimate claims by suppliers of goods and services to the ESC.

Each bill or obligation of this Governing Board shall be fully itemized and verified before a voucher can be drawn for its payment.

When an invoice is received, the Treasurer/CFO or designee shall verify that a voucher is properly submitted and that the amount of the invoice is correct.

The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

All payments shall be submitted for Governing Board review in the form of a listing that includes the vendor name; the number and amount of the check; and the description of the item.

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po6510

PAYROLL AUTHORIZATION

6510 - **PAYROLL AUTHORIZATION**

The most substantial payment of public funds for the operation of the ESC is that which is made to the employees of the Governing Board for services rendered. To verify that each person so compensated is validly employed by this ESC and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all ESC personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form shall be approved by the Governing Board except where authority to appoint certain personnel of the ESC has been delegated to the Superintendent.

Each motion of the Governing Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the effective date of employment.

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po6520

PAYROLL DEDUCTIONS

6520 - **PAYROLL DEDUCTIONS**

To the extent permitted by law, the Governing Board authorizes deductions to be made from an employee's paycheck upon proper authorization on the appropriate form for the following purposes:

A. Federal and State income tax,

B. Social Security or retirement contribution,

C. municipal income tax,

D. ESC income tax,

E. School Employees Retirement System,

F. State Teachers Retirement System,

G. Section 125 deductions (cafeteria plans),

H. savings in a chartered credit union,

I. contributions to charitable and not-for-profit corporations and community fund organizations, and

J. 457 Deferred Compensation Plans.

In any case where the employee designates the agent, broker. or company through whom the Governing Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company shall execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the Governing Board. The service agreement shall protect the ESC from any liability attendant to procuring the annuity (i.e., a "hold harmless") in accordance with provisions of the Internal Revenue Code and any other applicable laws and regulations.

In cases when an employee is absent from duty and there is no sick leave applicable, or when the absence is unauthorized, the salary deduction for each day of absence shall be based on the employee's daily rate and any Governing Board paid benefits.

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po6550

TRAVEL PAYMENT & REIMBURSEMENT/RELOCATION COSTS

6550 - **TRAVEL PAYMENT & REIMBURSEMENT/RELOCATION COSTS**

Travel expenses incurred for official business travel on behalf of the Governing Board shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines. Travel costs may include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the Educational Service Center ("ESC" or "Center").

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates not exceeding the Federal IRS prescribed mileage rate.

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

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

Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that

would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the Center's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal agency.

Relocation Cost Reimbursement

The Board does not reimburse for relocation costs.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the Center's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the Center's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6114.

To the extent that the Center's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11 ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General

Services, or by the President (or the President's designee) must apply to travel under Federal awards.

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po6600

DEPOSIT OF PUBLIC FUNDS: CASH COLLECTION POINTS

6600 - **DEPOSIT OF PUBLIC FUNDS: CASH COLLECTION POINTS**

Monies received at cash collection points throughout the ESC shall be deposited in accordance with this policy. Cash collection points are any areas within a school where money flows into the ESC. Currently identified cash collection points are admission fees to athletic events, lunchroom sales, classroom fees, student activities/fundraisers, and miscellaneous money coming through the Treasurer/CFO's Office such as grants, interest, donations, sale of fixed assets, and taxes.

Persons who receive monies at cash collection points shall identify any discrepancies in cash receipts or ticket sales. Each seller shall provide a written explanation of each discrepancy to their immediate supervisor, who shall report all findings to the Treasurer/CFO. All discrepancies, even those rectified, shall be reported to the Treasurer/CFO. Such reported information shall be used in performance evaluation and adjudicated in accordance with ESC procedures or as provided by law.

Acceptance of check or credit card overpayment to provide cash back is prohibited.

Persons who receive monies at cash collection points in the ESC are required to deposit all monies received with the Treasurer/CFO on the next day of receipt. Persons who receive money at cash collection points are responsible for its safekeeping until the money is deposited with the Treasurer/CFO. Ordinarily, the money shall be secured in a locked desk, file cabinet, safe, or other secure room on school property, and it shall never be taken home. The Treasurer/CFO is directed to develop, distribute, and implement procedures addressing the provision of receipts (where applicable) to the payee(s), and proper segregation of duties for the receipting, depositing, recording, and reporting of cash. These procedures should be particularized to each cash collection

point and should include flowcharts as appropriate. The procedures should further address the need for completion of timely bank reconciliations so that “unreconciled differences” can be identified and resolved.

All moneys collected shall be receipted, accounted for, and deposited with the Treasurer/CFO or properly designated depository every twenty-four (24) hours. In the event that the person in charge of an activity is unable to deposit the money within twenty-four (24) hours, the money shall be accounted for and deposited in the building safe of each ESC building. If a safe is not available, then the money shall be deposited in the Treasurer/CFO Office’s safe. If the amount does not exceed $1,000.00, the money can be held no longer than three (3) business days after receipt before being deposited. If the amount is more than $1,000.00, or the money cannot be adequately safeguarded, it shall be deposited on the next business day following the date of receipt.

No more than $50.00 shall be left overnight in an ESC building if that building does not have a safe.

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po6670

TRUST AND AGENCY FUND

6670 - **TRUST AND AGENCY FUND**

The Governing Board directs the establishment of a Trust and Agency Fund for the financial administration of scholarship and other trusts operated for the benefit of students and duly approved by the Governing Board.

The Treasurer/CFO shall be responsible for the administration of the Trust and Agency Fund. The Fund shall be audited annually and shall be administered under appropriate accounting controls. The books of account shall record income and expenses separately for each approved area.

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po6680

RECOGNITION

6680 - **RECOGNITION**

The purpose of this policy is to permit the Governing Board to honor its staff, former Governing Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Governing Board wishes to also honor staff, students, citizens, and advisory groups for their contributions with appropriate recognitions and authorizes administrators to purchase meals, refreshments, and/or other amenities to further the interests of the ESC and to be reimbursed for such purchases if they are initially made with the administrators' personal funds.

The Governing Board hereby affirms that the expenses incurred as listed above do serve a valid and proper public purpose. However, under no circumstances shall public funds be expended for the purchase of alcoholic beverages. The Governing Board believes that the "public purpose" served is the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers, as well as furthering other legitimate interests.

The funds shall be made available from Governing Board funds.

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po6700

FAIR LABOR STANDARDS ACT (FLSA)

6700 - **FAIR LABOR STANDARDS ACT (FLSA)**

It is the Governing Board's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. To that end, the Governing Board shall pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Further, the Governing Board recognizes the safe and efficient operation of the ESC may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Governing Board) more than forty (40) hours in a given work week shall receive premium pay (i.e., one and one-half (1 1/2) times the employee's regular hourly rate of pay) for all hours worked in excess of forty (40).

The Superintendent or designee shall determine the necessity and availability of overtime work. Overtime may be authorized only by a supervisor and shall be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions, and certain computer employees. To qualify for the exemption, employees generally shall meet certain tests regarding their job duties and be paid on salary basis at not less than $684 per week. The salary requirement does not apply to teachers. Exempt computer employees may be paid at least $684 on a salary basis or on an hourly basis at a rate not less than $27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation

in the quality or quantity of the employee's work. Subject to the exceptions listed below, an exempt employee shall receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

Notwithstanding the fact that exempt ESC employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work-day because accrued leave is not used for specific reasons, the Governing Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability;

B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;

C. to offset amounts employees, receive as jury or witness fees, or for military pay;

D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions; and/or

E. for penalties imposed in good faith for infractions of safety rules of major significance.

The Governing Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Governing Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to the exempt employee's salary, the employee should immediately report this information to the Superintendent, Treasurer/CFO, or the exempt employee's immediate supervisor. Reports of improper deductions shall be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed for any improper deduction made, and the Governing Board shall make a good faith commitment to avoid any recurrence of the error.

The Governing Board directs the Superintendent to distribute this policy to all employees upon initial hire and on an annual basis.

Reasonable Break Time for Nursing Mothers

As required by Federal law, the ESC shall take steps necessary to support staff members who decide to breastfeed their infants by providing additional unpaid reasonable break time, as necessary, for an employee to express breast milk for their nursing child for one (1) year after the child's birth on ESC premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify their supervisor of their intent to continue breastfeeding their infant(s), and of their need to express milk during work hours. Further, it shall be the responsibility of the employee to keep their supervisor informed of their needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public shall be prevented, and one where an employee who is using this area can be shielded from view. Employees who telework must also be free from observation by any employer-provided video systems, including video or security cameras or web conferencing platforms.

The frequency and duration of breaks needed to express milk may vary. An employee will be responsible for informing the Superintendent or their supervisor of their needs as they change over time. The Superintendent or supervisor will work with the employee to adjust the employee's schedule and ensure that any required duties are covered. Employees shall be permitted to express milk during regularly scheduled break periods. The Superintendent or the employee's supervisor shall make adjustments in the employee's break schedule if the time of the regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than the time available during a paid break, the additional time required shall be unpaid and the employee's work schedule or work day may be modified accordingly. The Principal or the employee’s supervisor shall work with the employee to make these necessary modifications.

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po6830

AUDIT

6830 - **AUDIT**

The Governing Board requires, after the close of the fiscal year (June 30th), that an audit of all accounts of the ESC be made bi-annually by an independent, certified public accountant or the State Auditor's Office. The audit examination shall be conducted in accordance with generally-accepted auditing standards and shall include all funds over which the Governing Board has direct or supervisory control.

The ESC shall also prepare and publish a statement of the financial condition of the ESC at the close of each fiscal year.

Findings for recovery should be reported to the Superintendent, Treasurer/CFO, and Governing Board. It is the Governing Board's preference that an employee shall not be named in a finding for recovery unless such employee directly performed the action causing the finding and benefited personally from such action.

In the event an audit indicates a finding for recovery involving a shortage of funds, finding for recovery should be made against the employee who directly handled the cash, checks, money orders, or other form of payment.

In the event an audit indicates a finding for recovery related to the improper spending of ESC funds or the conversion of ESC funds or assets for personal use, the finding for recovery should be made directly against the employee who improperly spent the ESC funds or converted the ESC funds or assets for personal use. This provision includes, but is not limited to, employees that fail to be properly licensed and accept compensation in violation of applicable laws and regulations, employees that accept

compensation from falsified pay documents, and employees that accept compensation known to be in error and do not timely report for correction.

Any finding for recovery should be reported to and jointly made against the ESC's bonding company.

At the expiration of the term of the Treasurer/CFO or before the Board approves the surety of the Treasurer/CFO, the Board shall require the Treasurer/CFO to produce all money, bonds, or other securities of the Board, which shall then be counted by the Board or a committee of the Board. A certificate setting forth the exact amount of such money, bonds, or other securities and signed by the representatives making such count shall be entered into the records of the Board.

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po6910

HEALTH INSURANCE PREMIUMS

6910 - **HEALTH INSURANCE PREMIUMS**

Any employee on non-FMLA unpaid leave status shall be required to pay one hundred percent (100%) of all health care premiums for the month(s) in which the employee is on such unpaid leave status unless otherwise provided in the health care plan.

Ohio Valley ESC 2025

po7217

WEAPONS

7217 - **WEAPONS**

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

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

The Superintendent shall immediately refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Governing Board property and Governing Board-sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

Exceptions to this policy include:

A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement agents, and weapons carried by security personnel employed by the Governing

Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;

B. handguns in the possession of an individual who has been issued a concealed handgun license that is valid at the time of conveyance or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;

C. objects indistinguishable from a firearm used during school safety trainings;

D. items indistinguishable from a firearm approved by the Superintendent or designee as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);

E. theatrical props used in appropriate settings; and

F. starter pistols used in appropriate sporting events.

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

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

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to

report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Governing Board-owned vehicles, including a school van.

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po7230

GIFTS, GRANTS, AND BEQUESTS

7230 - **GIFTS, GRANTS, AND BEQUESTS**

The Governing Board is duly appreciative of public interest in and good shall toward the schools manifested through gifts, grants, and bequests. The Governing Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Governing Board shall attempt to carry out the wishes of the donor.

All gifts, grants, or bequests shall be submitted to the Governing Board, and if accepted, acknowledged by the Governing Board. All accepted gifts, grants, or bequests shall be acknowledged by the Governing Board.

Gifts, grants, and bequests shall become the property of the Governing Board and shall be subject to use by the ESC as determined by the policies applying to all properties, equipment, materials, and funds owned by the Governing Board.

Any equipment proposed to be purchased by a parent organization for use in the school or at an ESC-related event shall be submitted to the Governing Board, prior to purchase, so it can determine if the ESC would incur any liability by its use.

The Governing Board reserves the right to not accept such liability and thus deny the use of the equipment by students or ESC employees.

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po7240

SITE ACQUISITION

7240 - **SITE ACQUISITION**

It is the policy of the Governing Board that real property acquisition price be based on a true value with regard for fair remuneration to the seller but not on enhancement of the value of the site to the seller. The presence of a school to service a potential development in itself enhances the profit potential to a developer. It is the Governing Board's sole purpose to provide a service to the residents in a development at the least possible cost to the taxpayers.

The Superintendent shall be responsible for site acquisition negotiations. Negotiations for site acquisition shall take into consideration the following:

A. Purchase price shall be based on the last transaction price, taxes on the property after platting, and a reasonable interest earning on the investment based on the current cost of money.

B. Roadways and utility costs to be shared shall be calculated on a front footage basis of the proposed site and shall be included only where actual installation has occurred.

C. Development costs as engineering, earthmoving, litigation, etc. in determining the fair value of the site to be purchased.

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po7250

NAMING OF AND LOGOS FOR PROGRAMS, SERVICES AND FACILITIES

7250 - **NAMING OF AND LOGOS FOR PROGRAMS, SERVICES AND FACILITIES**

In the naming of ESC programs, services, schools, and facilities and the development of logos and other representations of same, it is the desire of the Governing Board that the brand and trademarks of our ESC be primary considerations. These brand names and trademarks include, but are not limited to:

A. Ohio Valley Educational Service Center

B. Ohio Valley Educational Service Center Governing Board

C. Ohio Valley ESC

D. OVESC

E. The colors Red and Black

F. Student Readiness Collaborative

G. Bright Beginnings Preschool

H. Southeast Ohio Area Manufacturing Council

I. Southeast Ohio Business Advisory Council

J. Ohio Valley Educational Service Center Business Advisory Council

K. ESC logos

L. Ohio Valley ESC Opportunity School

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Ohio Valley Educational Services Center

po7300

DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY

7300 - **DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY**

The Governing Board believes that the efficient administration of the ESC may require the disposition of real property and/or personal property that is no longer necessary to meet the educational or operational needs of the ESC.

"Real Property" means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.

"Personal Property" means tangible property other than real property. It may be tangible, having physical existence, or intangible and may include automotive vehicles, equipment, and materials.

All property considered with a de minimis value for disposition or sale shall be subjected to a current, outside, professional appraisal prior to the solicitation of offers.

Disposition of Personal Property under $10,000

Personal property, the value of which does not exceed $10,000, shall be disposed of by the Superintendent in such a manner as shall be in the public interest and benefit the ESC (see Governing Board Policy 7300 - Disposition of Real Property/Personal Property and Governing Board Policy 7310 – Disposition of Surplus Property). If the Governing Board decides to trade an item of personal property as a part or an entire consideration

on the purchase price of an item of similar personal property, the Governing Board may trade the personal property upon such terms as are agreed upon by the parties.

Disposition of Personal Property under $10,000

Personal property, the value of which does not exceed $10,000, shall be disposed of by the Governing Board in such a manner as shall be in the public interest and benefit the ESC (see Governing Board Policy 7310 and Donation of Real or Personal Property). If the Governing Board decides to trade an item of personal property as a part or an entire consideration on the purchase price of an item of similar personal property, the Governing Board may trade the personal property upon such terms as are agreed upon by the parties.

Disposition of Real Property under $10,000

Real property, the value of which does not exceed $10,000, shall be disposed of by the Governing Board in such manner as shall be in the public interest and benefit to the ESC and may be accomplished by private sale. If the Governing Board identifies a parcel of real property that it determines is needed for school purposes, the Governing Board may, upon majority vote of the members of the Governing Board, acquire such parcel by exchanging its real property for the parcel or using the real property as part of an entire consideration for the purchase price of the identified real property. Any exchange or acquisition shall be made by conveyance executed by the President and the Treasurer of the Governing Board.

Disposition of Personal and Real Property over $10,000

Property, (personal and real), the value of which exceeds $10,000, shall be sold at public auction to the highest bidder in accordance with law. The Governing Board may offer real property for sale as an entire tract or in parcels.

A. Unless the property is being:

1. sold to an exempt entity, as defined in R.C. 3313.41(C);

2. sold to a community school or the Governing Board of trustees of a college preparatory Governing Boarding school, as set forth in R.C. 3313.41(G); or

3. exchanged for an identified parcel of real property that the Governing Board determines it needs for school purposes or the property is being used as part or an entire consideration for the purchase price of the identified real property, pursuant to R.C. 3313.41(F); or

4. traded as a part or an entire consideration on the purchase price for a similar item of personal property upon such terms as agreed to by the parties to the trade pursuant to R.C. 3313.41(E).

The ESC shall attempt to sell the property by public auction after giving at least thirty (30) day notice of the auction by publication in a newspaper of general circulation.

B. If, after the property has been offered once by public auction, no acceptable bids have been received, the ESC may sell the property at private sale. The following procedures shall apply:

1. Regardless of how the property was offered at public auction, at a private sale, the Governing Board shall, as it considers best, sell real property as an entire tract or in parcels. Personal property shall be sold in either a single lot or several lots.

2. All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Governing Board

meeting. A preliminary review of offers to purchase or lease shall include the following: source of offer, date of offer, expiration date of offer, and intended use of property.

3. All property considered for lease or sale shall be reviewed by the Governing Board prior to solicitation of offers. The solicitation of offers by the Governing Board shall include an expiration date.

4. The authorized agents of the Governing Board are to review all purchase or lease offers pertaining to sale or lease of property shall be selected by legal counsel and the Superintendent. The Governing Board shall give final approval of all contracts.

5. In consideration of the best interest of the ESC and of the residents and taxpayers, the Governing Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

6. Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

C. If the Governing Board decides to dispose of real property, prior to disposing of the property in the manner set forth above, the Governing Board shall first offer the property to the governing authorities of high-performing community schools and any newly established community schools that are implementing a community school model that has a track record of high-quality academic performance, as determined by the Department of Education. If no governing authority from either type of community school expresses an interest in the property within sixty (60) days after the offer is made, the Governing Board shall offer the property for sale to the governing authorities of the start-up community schools and the Governing Board of trustees of any college preparatory Governing Boarding school located within the territory of the ESC.

1. The Governing Board shall offer the property to any community school governing authority and college preparatory Governing Boarding school Governing Board of trustees at a price that is not higher than the appraised fair market value of the property as determined in an appraisal of the property that is not more than one (1) year old.

2. In the event that more than one (1) community school governing authority or college preparatory Governing Boarding school Governing Board of trustees accepts the offer made by the Governing Board, the property shall be sold to the community school governing authority or Governing Board of trustees that accepted the offer first in time.

3. The Governing Board may dispose of the property by public auction only if no start-up community school governing authority or college preparatory Governing Boarding school Governing Board of trustees accepts the Governing Board's offer within sixty (60) days after the subsequent offer.

D. Disposition of Unused School Facilities

1. "Unused School Facilities" means any real property that has been used by the ESC for school operations, including but not limited to academic instruction or administration, since July 1, 1998, but has not been used in that capacity for one (1) year or one in which less than sixty percent (60%) of the building was used for direct academic instruction during the preceding school year.

2. The Governing Board shall first offer any Unused School Facilities it owns for lease or sale to the governing authority of any high-performing community school as defined by applicable laws and regulations. If no governing authority accepts the offer of lease or sale within sixty (60) days, then the Governing Board shall next offer Unused School Facilities to the governing authority of any community school or the Governing Board of trustees of any college preparatory Boarding school that is located within the territory of the ESC.

   At the same time the Governing Board makes the offer to lease or sale, the Governing Board may, but is not required to, offer the property for lease or sale to the governing authority of any community school with plans, as stated in applicable contracts, either to relocate to or add facilities in the ESC.

3. If more than one (1) qualified Governing Board accepts the Governing Board's offer within sixty (60) days, the Governing Board shall conduct a public auction utilizing the process described above. Only the parties that

notify the Governing Board within sixty (60) days may offer a bid at the auction. The Governing Board is not required to accept a bid that is lower than the appraised fair market value of the property as determined by an appraisal that is no more than one (1) year old.

4. Any subsequent lease or sale of the property shall proceed in accordance with law.

5. If no governing authority or Governing Board of trustees accepts the offer to lease or buy the property within sixty (60) days after the subsequent offer is made, the Governing Board may offer the property for sale or lease to any other permissible entity.

E. Further, the Governing Board may dispose of property upon the majority vote of the members of the Governing Board and a concurring vote of the legislative authority of a municipal corporation, declaring that an exchange of real property held by the ESC for school purposes for real estate held by the municipal corporation for municipal purposes shall be mutually beneficial to both the ESC and the municipal corporation. The exchange may be made by conveyances that are executed by the President and Treasurer of the Governing Board and the Mayor and Clerk of the municipal corporation, respectively.

F. The Governing Board President and Treasurer shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this policy.

Donation of Real or Personal Property

A. If the ESC has property that the Governing Board, by resolution, determines is not needed for school purposes, is obsolete, or is not fit for the use for which it was acquired, the Governing Board may donate the property if the estimated fair market value of such property is $2,500 or less in the opinion of the Governing Board. The property may only be donated to an eligible 501(c)(3) nonprofit organization located in the State of Ohio and exempt from Federal income taxation under 26 U.S.C. 501(a) and 501(c)(3).

B. Prior to donating the property, the Governing Board shall adopt a resolution that contains the following:

1. a statement expressing the Governing Board's intent to make unneeded, obsolete or unfit-for-use, ESC property available to nonprofit organizations;

2. procedures the Governing Board considers to be necessary to implement the donation program;

3. an indication of whether the ESC shall conduct such program or by a representative under contract with the Governing Board;

4. contact information for such representative if the person is known when the resolution is adopted;

5. a requirement that any nonprofit organization desiring to obtain donated property submit a written notice to the Governing Board or its representative that includes the following:

    a. evidence that the organization is a nonprofit organization that is located in the State of Ohio and exempt from Federal income taxation;

    b. a description of its primary purposes;

    c. a description of the type or types of property the organization needs; and

    d. the name, address, and telephone number of a person designated by the organization to receive donated property as its agent.

C. Upon the adoption of the resolution, the Governing Board shall publish at least twice in a newspaper of general circulation, notice of its intent to donate

unneeded, obsolete, or unfit-for-use property to eligible nonprofit organizations. The notice shall also include a summary of the information provided in the resolution. A similar notice shall also be continually posted in the Governing Board's office and on the ESC's Internet website, if one exists. The second and subsequent notices shall be posted not less than ten (10) and not more than twenty (20) days after the previous notice.

D. The Governing Board or its representative shall maintain a list of:

1. All eligible 501(c)(3) nonprofit organizations that submit a written notice described above; and

2. A list of all real or personal property that qualifies for the program.

The list of qualifying property shall be continually posted at the same locations at which the resolution creating the program shall be posted.

1. An item of property on the list shall be donated to the 501(c)(3) organization that first declares to the Governing Board or its representative its desire to obtain the item unless the Governing Board previously established in a separate and distinct resolution, a list of eligible 501(c)(3) organizations that are to be given priority for an item's donation.

2. The resolution giving priority to certain nonprofit organizations shall specify the reasons for giving the organizations this priority. Such priority may be given based on a direct relationship between the purposes of the organization and specific purposes of the programs provided or administered by the Governing Board.

E. Members of the Governing Board shall consult with the Ohio Ethics Commission and comply with R.C. Chapters 102 and 2921 when donating property to a 501(c)(3) organization of which a Governing Board member, his/her family member(s) or a business associate(s) of a Governing Board member is a trustee, officer, Governing Board member, or employee.

Proceeds from the Sale of Real Property

When the Governing Board disposes of real property pursuant to R.C. 3313.41, the proceeds received from the sale shall be used to retire any debt that was incurred by the ESC with respect to that real property. Any proceeds in excess of the funds necessary to retire that debt may be paid into the ESC's capital and maintenance fund and used only to pay for the costs of non-operating capital expenses related to technology infrastructure and equipment to be used for instruction and assessment.

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po7310

DISPOSITION OF SURPLUS PROPERTY

7310 - **DISPOSITION OF SURPLUS PROPERTY**

The Governing Board requires the Superintendent to review the property of the Educational Service Center ("ESC" or "Center") periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy (see Policy 7300).

A. **Instructional Material**

The Center shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum

2. information that may not be current, or

3. worn beyond salvage

B. **Equipment**

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $10,000 as a single unit and does not lose its identity when incorporated into a more complex unit.

The Center shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available;

2. repair records indicate equipment has no usable life remaining;

3. obsolete and/or no longer contributing to the educational program;

4. some potential for sale at a school auction; or

5. creates a safety or environmental hazard.

C. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal in compliance with 2 C.F.R. 200.313(e) and 200.314.

When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance and the supplies are not needed for any other Federal award, the Center may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The aggregate value of unused supplies consists of all supply types, not just like-item supplies. The Federal agency or pass-through entity may be entitled to compensation in an amount prescribed in 2 C.F.R. 200.314.

Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, the Center shall request

disposition instructions from the Federal agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal agency.

Except as provided in §200.313 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current fair market value in excess of $10,000 (per unit) may be retained by the non-Federal entity or sold. The Federal agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale. If the equipment is sold, the Federal agency may permit the non-Federal entity to deduct and retain from the Federal share $1,000 or ten percent (10%) of the proceeds, whichever is less, to cover expenses associated with the selling and handling of the equipment.

The Center may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the Center shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

When included in the terms and conditions of the Federal award, the Federal agency may permit the Center to retain equipment, or authorize DEW to permit the Center to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

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po7421

RESTROOMS, LOCKER ROOMS, SHOWER ROOMS AND CHANGING ROOMS

7421 – **RESTROOMS, LOCKER ROOMS, SHOWER ROOMS AND CHANGING ROOMS**

The Governing Board will provide appropriate restrooms, locker rooms, shower rooms, and changing rooms for students, employees, and visitors in accordance with this policy.

Definitions

For purposes of this policy, the following definitions apply:

"Biological sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and non-ambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender. A birth record that is issued at or near the time of an individual's birth may be used to prove the biological sex of an individual.

"Family facility" means a family restroom or shower room that does not have more than one (1) toilet or shower.

"Multi-occupancy facility" means a restroom, locker room, changing room, or shower room that is accessible to multiple individuals at the same time. This term does not include family facilities.

Gender Designation of Multi-occupancy Facilities

The Board will designate for the exclusive use of the male or female biological sex each student restroom, locker room, changing room, or shower room that is accessible by

multiple students at the same time which is located in a school building or a facility used by the school for a school-sponsored activity.

The Board will not construct, establish, or maintain a multi-occupancy facility that is open to all genders. However, this policy does not prohibit the Board from constructing, establishing, or maintaining a family facility.

Permissible Access of Multi-occupancy Facilities by the Opposite Biological Sex

An individual of the opposite biological sex may access a multi-occupancy facility in the following circumstances:

A. A parent, guardian, or family member who is assisting a child under the age of ten (10), or a child under the age of ten (10) who is being assisted by a parent, guardian, or family member;

B. A person with a disability who is being assisted by another person, or an individual who is assisting a person with a disability;

C. A school employee whose job duties require them to enter a multi-occupancy facility that is designated for use by the opposite biological sex;

D. An individual who enters a multi-occupancy facility designated for the use by the opposite biological sex because they reasonably believe that they are responding to a legitimate emergency situation.

Accommodations for Special Circumstances

The Board may provide accommodations at the request of a student due to special circumstances. Accommodations may include the use of single-occupancy facilities or controlled use of faculty facilities.

Violations of this Policy

Any student who willfully enters a multi-occupancy facility designated for use by the opposite biological sex for a purpose other than what is considered permissible pursuant to this policy, and refuses to leave when asked to do so by school personnel, is subject to discipline in accordance with the Student Code of Conduct.

Employees who willfully enter a multi-occupancy facility designated for use by the opposite biological sex for a purpose other than what is considered permissible pursuant to this policy, and refuses to leave when asked to do so by administrative personnel, are subject to discipline, up to and including termination of employment.

Any other person who willfully enters a multi-occupancy facility designated for use by the opposite biological sex for a purpose other than what is considered permissible pursuant to this policy, and refuses to leave when asked to do so by school personnel, may be removed from the premises and subject to future restrictions.

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TOBACCO USE PREVENTION

7434 - **TOBACCO USE PREVENTION**

Governing Board Policy 1615 applies to the public and shall be considered incorporated herein.

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po7440

FACILITY SECURITY

7440 - **FACILITY SECURITY**

Buildings constitute the greatest financial investment of the ESC. It is in the best interest of the Governing Board to protect the ESC's investment adequately. The buildings and equipment owned by the Governing Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the school buildings, school grounds, and school equipment pursuant to statute and rules of the State. Such a program may include video and/or audio surveillance equipment in appropriate public areas in and around the schools and other ESC facilities. Every effort shall be made to apprehend those who knowingly cause serious physical harm to ESC property and to require such persons to rectify the damage or pay a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and other security devices which would assist in the detection of guns and dangerous weapons and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices) in school buildings, on ESC property, and/or at Governing Board-sponsored/controlled events.

The Superintendent shall report to the Governing Board each major case of vandalism and the extent of the damage.

Staff, students, and visitors who intentionally circumvent, interfere with, or disable

security measures, systems, and/or devices may be subject to discipline, up to and including termination of employment for an employee, suspension or expulsion from work or school for a student, and may also face criminal charges.

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po7440.01

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

7440.01 - **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

The Governing Board authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the Educational Service Center ("Center") and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the Educational Service Center ("Center") to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the Center. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school

hallways, entryways, the front office where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent or Board President, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms), or in individual classrooms during instructional times. Staff and administrators are authorized to carry and use portable video cameras when responding to incidents. The Governing Board authorizes security personnel to use body-worn video cameras while on duty, but prohibits them from being operated while the individual is routinely patrolling restrooms and locker rooms unless the staff member is responding to a specific incident.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the Center's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceedings, or criminal proceedings, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

Smart Sensor Monitoring Technology

To protect students and faculty, promote security, and protect the health, welfare, and safety of students, staff, and visitors, the Board authorizes the use of smart sensor electronic monitoring equipment on school property, including in school buildings and on school vehicles. Smart sensor monitoring technology uses devices that can sense, collect, and process a variety of environmental information. Information obtained through smart sensor devices may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct; as such, it may be used as evidence in disciplinary actions and may be provided to law enforcement in appropriate circumstances.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Smart sensor monitoring systems serve to complement other means that the Center employs to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a smart sensor monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the smart sensor monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus safety and security.

The Superintendent is responsible for determining where to install and operate fixed-location smart sensor monitoring equipment in the Center. The determination of where and when to use smart sensor equipment will be made in a nondiscriminatory manner. Smart sensor monitoring equipment may be placed in designated areas in school buildings (e.g., school hallways, restrooms, classrooms, gymnasiums, libraries, locker rooms, entryways, the front office, and other areas where students, employees, and visitors are permitted to freely come and go). The Superintendent will post notices in areas where smart sensor monitoring equipment is in use.

Any person who takes action to block, move, or alter the location of a smart sensor device shall be subject to disciplinary action.

Any information obtained from smart sensor monitoring systems may only be used to support the orderly operation of the Center's schools and facilities and for law enforcement purposes and not for any other purposes. As such, information obtained through the use of smart sensor monitoring equipment may be used as evidence in any disciplinary proceedings or administrative proceedings, or provided to local law enforcement, subject to Board policy and administrative guidelines.

Smart sensor monitoring technology is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of smart sensor monitoring equipment and will take appropriate action in any cases of wrongful use of this policy or such technology.

The Governing Board shall not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of on-line or virtual learning sessions may be included as part of an employee's evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation, and the recording of the employee's work and/or observation is conducted in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board if the employee is a member of a bargaining unit.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes including, but not limited to, completing components of an evaluation, so long as the information is gathered in a manner consistent with law and any applicable collective bargaining agreement or Memorandum of Understanding approved by the Board.

Recordings of students will be treated as confidential. Consequently, because the Board is bound by Ohio's Student Records Statute and the Family Educational Rights and Privacy Act ("FERPA"), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recordings).

The Governing Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within seven (7) days of the event/incident. Unless a formal complaint is being investigated, recordings shall be destroyed after seven (7) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional, and/or research purposes is permitted and is not addressed by this policy.

The Superintendent is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses, and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy. The Governing Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

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po7440.03

SMALL UNMANNED AIRCRAFT SYSTEMS

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

The Governing Board prohibits the operation of small Unmanned Aircraft Systems (sUAS) at any time by any individual who is not expressly authorized to do so by the Superintendent on property owned or leased or contracted for by the Governing Board. Small Unmanned Aircraft Systems are commonly known as drones.

The Governing Board also prohibits the operation of sUAS on property owned or leased or contracted for by the Governing Board during ESC-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Ohio High School Athletic Association (OHSAA). ESC officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Superintendent.

To be authorized to operate a sUAS on property owned or leased or contracted for by the Governing Board, a staff member, administrator, or other individual (agent) under contract with the Governing Board must have a Remote Pilot Certificate issued by the Federal Aviation Administration (FAA). Further, the sUAS must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member, administrator, or agent of the Governing Board authorized to operate a sUAS on property owned or leased or contracted for by the Governing Board must also comply with all rules set forth in 14 C.F.R. Part 107. (See AG 7440.03)

Failure to adhere to all rules set forth in 14 C.F.R. Part 107 and AG 7440.03 may result in loss of authorization to operate a sUAS to operate on property owned or leased or contracted for by the Governing Board, referral to local law enforcement, and/or

further disciplinary action, up to and including termination for an employee and expulsion for a student.

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po7450

PROPERTY INVENTORY

7450 - **PROPERTY INVENTORY**

As steward of this Educational Service Center's ("ESC" or "Center") property, the Governing Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Governing Board shall maintain a continuous inventory of all Governing Board-owned equipment and supplies.

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year and a per-unit cost that equals or exceeds $10,000 as a single unit and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than $10,000.

It shall be the duty of the Treasurer/CFO to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

The Treasurer/CFO shall maintain a system of property records which shall show, as appropriate to the item recorded:

A. description and identification (serial number of other identification number);

B. manufacturer;

C. year of purchase;

D. evaluation in conformity with insurance requirements.

The Center is responsible for maintaining and updating property records when there is a change in the status of the property.

Equipment acquired in whole or in part under a Federal award will vest upon acquisition to the Center, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.

B. While the equipment is being used for the originally-authorized purpose, the Center (or subrecipient) must not dispose of or encumber its title or other interests without the approval of the Federal agency or pass-through entity.

C. The equipment may only be used and disposed of in accordance with the provisions of the Federal agency or the pass-through entity and Policy 7300 - Disposition of Real Property/Personal Property and Policy 7310 - Disposition of Surplus Property.

D. The Center must use equipment for the project or program for which it was acquired and for as long as needed, whether or not the project or program continues to be supported by the Federal award. The Center must not encumber the equipment without prior approval of the Federal agency or pass-through entity.

E. When no longer needed for the original project or program, the equipment may be used in other activities in the following order of priority:

1. activities under other Federal awards from the Federal agency that funded the original program or project; then

2. activities under Federal awards from other Federal agencies. These activities include consolidated equipment for information technology systems.

F. During the time that equipment is used on the project or program for which it was acquired, the Center must also make the equipment available for use on other programs or projects supported by the Federal Government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the Federal agency that financed the equipment. Second preference must be given to programs or projects under Federal awards from other Federal agencies. Use for non-Federally funded projects is also permissible, provided such use will not interfere with the purpose for which it was originally acquired. The Center should consider charging user fees as appropriate. If the Center does use equipment to earn program income, it must not charge a fee that is less than a private company would charge for similar services unless specifically authorized by Federal statute.

G. When acquiring replacement equipment, the Center may either trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.

H. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of

funding for the equipment (including the Federal Award Identification Number ("FAIN")), title holder, acquisition date, cost of the property, percentage of Federal agency contribution towards the original purchase, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property.

I. A physical inventory of the property must be conducted and results reconciled with property records at least once every two (2) years.

J. A control system shall be in place to provide safeguards for preventing loss, damage, or theft of the property. Any such loss, damage, or theft of the property must be investigated. The Center must notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.

K. Regular maintenance procedures shall be implemented to keep the property in proper working condition.

L. Proper sales procedures shall be established to ensure the highest possible return in the event the Center is authorized or required to sell the equipment/property.

M. When equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal agency, the Center shall request disposition instructions from the Federal agency or the pass-through entity if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of 2 C.F.R. 200.313.

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po7455

ACCOUNTING SYSTEM FOR CAPITAL ASSETS

7455 - **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The Governing Board shall maintain a capital-asset, accounting system. The capital-asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with generally-accepted, accounting principles

B. adequate insurance coverage

C. control and accountability

Capital assets are defined as those tangible assets of the ESC with a useful life in excess of five (5) years and an initial cost equal to or exceeding $5,000. Some items may be identified as “controlled” assets that, although they do not meet all capital asset criteria, are to be recorded on the capital-asset system to maintain control.

Capital assets shall be classified as follows:

A. land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance)

Leased capital assets and assets which are jointly-owned shall be identified and recorded on the capital-asset system.

Capital assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition. The method(s) to be used to estimate such price or market value shall be established by the Treasurer/CFO.

The Superintendent shall ensure the proper purchase, transfer, and disposal of capital assets.

Depreciation shall be recorded for funded capital assets using the method(s) agreed upon by the Superintendent and the Treasurer/CFO.

The following information shall be maintained for all capital assets:

A. description

B. asset classification (land, building, equipment, etc.)

C. location

D. purchase price

E. vendor

F. date purchased

G. voucher number

H. estimated useful life

I. estimated salvage value

J. replacement cost

K. accumulated depreciation

L. method of acquisition (purchase, trade-in, lease, donated etc.)

M. appropriation

N. manner of asset disposal

Useful Lives

Useful lives of fixed assets relate to the life expectancy as used by the specific governmental unit. The Governing Board has established the following general categories of useful lives for its fixed assets:

Buildings	40 years

Building Improvements	10-40 years
Improvements other than Buildings	10-20 years
Furniture, Fixtures and Equipment:	
Hand Tools	15 years
Transformers and meters	15 years
Misc Equipment (Over $500)	15 years
Computers	5 years
Telephones and systems	10 years
Office Machines-typewriters, calculators	8 years
Radio and TV Communication equipment	10 years
Furniture & Fixtures	20 years
Books	7 years
Picnic Tables	10 years
Pump Motors	10 years
Audio Visual	6 years
Mowers & Yard Machinery	15 years
Power Tools	15 years
Autos	8 years
Trucks	8 years
Appliances	15 years
Signs	10 years
Playground Equipment	10 years
Machinery	15 years
Lab Equipment	10 years
Utility Poles	15 years
School Buses	10 years
Fences	30 years

Useful lives are assigned to each asset unit or determined on an average for the group. They are based on actual experience, whenever possible, or engineering evidence or practice if the Governing Board has no actual experience. They are expressed in terms of the probable total years of service.

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po7510

USE OF ESC FACILITIES

7510 - **USE OF ESC FACILITIES**

The Governing Board believes that school premises should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program and services of the ESC and is harmonious with the purposes of this ESC.

For purposes of this policy, the terms “school premises” or “premises” refers to all indoor and outdoor structures, facilities, and land owned, rented, or leased by the Governing Board. The term “non-school hours” refers to times prior to and after regular classroom instruction on a day that school is in session, and any day that school is not in session, including weekends, holidays, and vacation breaks.

The Governing Board shall permit the use of school premises when such permission has been requested in writing by a responsible organization or a group of at least seven (7) citizens and has been approved by the Superintendent.

School premises shall be available for the below-listed uses. When there are competing interests, approval shall be given according to the following priorities:

A. uses directly related to the ESC and the operations of the ESC (including giving instructions in any branch of education, learning, or the arts); then

B. uses and groups indirectly related to the ESC; then

C. client school districts; then

D. other governmental agencies; and then

E. community organizations or groups of individuals primarily comprised of ESC residents/members of the community, including students (during non-school hours) and employees (when not working in the scope of their employment) formed or gathered for the following purposes, provided such meetings and/or entertainment is nonexclusive and open to the general public:

1. charitable,

2. civic,

3. social,

4. religious,

5. recreational (e.g., indoor or outdoor games or physical activities, either organized or unorganized, that are undertaken for exercise, relaxation, diversion, sport, or pleasure), and/or

6. educational.

School premises shall also be made available to any certified candidate for public office and any recognized political party or organization for the purpose of conducting public discussions of public questions and issues. School premises shall be free of charge and available only during non-school hours. Users shall abide by all ESC policies and rules regarding the use of school premises and be liable for any damage incurred. Under no circumstances shall school premises be used to raise funds for political purposes.

No liability shall attach to this ESC, or any of its employees and officers, specifically as a consequence of permitting access to school premises.

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Contents

po7530

LENDING OF GOVERNING BOARD-OWNED EQUIPMENT

7530 - **LENDING OF GOVERNING BOARD-OWNED EQUIPMENT**

No item of Governing Board-owned equipment shall be loaned for non-ESC use off ESC property. If equipment is required for the use of those granted permission to use ESC facilities, it may be loaned in accordance with Governing Board policy on the use of school facilities.

ESC equipment may be removed from ESC property by students or staff members and/or Governing Board members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent is required for such removal.

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po7530.01

CELLULAR TELEPHONE ALLOWANCE

7530.01 - **CELLULAR TELEPHONE ALLOWANCE**

Eligibility for Cellular Telephone Allowance

Personal communication devices ("PCDs") (as defined by Bylaw 0100) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. The Superintendent, Treasurer, and the administrators (or other staff as identified by the Superintendent) who meet one or more of the following criteria are required as a condition of employment to personally own a cellular telephone ("cell phone") and obtain an appropriate service plan so that the cell phone is available for use for business-related communications:

A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;

B. their jobs require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency;

C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;

(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home.)

D. safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;

E. more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;

F. the employee is required to be contacted on a regular basis outside regular work hours;

G. the employee is required to be on-call 24/7.

Staff who are required to have a personally-owned cell phone as a condition of their employment shall receive a monthly cell phone allowance ('allowance'), up to an amount approved annually by the Governing Board to reimburse them for the costs associated with maintaining and using the personally-owned cell phone for business purposes. Additionally, other staff members who believe that they meet the above-identified criteria may apply for an allowance through the Human Resources Department.

Amount of the Allowance

The allowance shall consist of a monthly allowance of up to $30.00.

The allowance shall not reimburse the employee's dollar-for-dollar costs for the cellular telephone service, and shall not exceed the expenses the employee actually incurs in maintaining the employee's personally-owned cell phone.

The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or

benefits based on a percentage of salary, etc. The Governing Board will pay only the Governing Board-approved allowance even if actual monthly costs exceed the allowance.

No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, essential business communications are not likely to be necessary.

To be eligible to receive the allowance, the employee must maintain the type of cellular telephone coverage and wireless Internet/data plan that is reasonably related to the employee's job responsibilities. Beginning no later than September annually, each covered administrator and staff member receiving the allowance, will be reviewed for continued eligibility. The employee must maintain an active cellular telephone service contract while the allowance is being provided.

In order to continue to receive the allowance, administrators are required to answer all business-related calls they receive on their cell phone and promptly respond to any messages.

Allowance Is Not Considered Taxable Income

Provided the employee maintains and uses a personally-owned cell phone for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense – similar to mileage reimbursements – and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the cell phone; non-exempt employees, however, must comply with the timekeeping requirements set forth above. For determination of individual taxability, employees should check with their tax advisor.

Employee's Responsibilities

The employee is responsible for choosing the cell phone, the voice and/or wireless data plan, and the service provider. Since the cell phone is the employee's personal property, the cell phone may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e., the employee may also, at the employee's own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Governing Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the cell phone, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by the employee's cell phone for a period of time.

Employees should contact the vendor/carrier through which they purchased their cell phone and their cellular telephone service (including wireless Internet/data service, if applicable) for support.

Employees may contact the Educational Service Center's ("Center") IT Department/Support Staff to obtain assistance in setting up their device to connect to the Center's servers. The Center's IT Department/Support Staff will assist employees who have wireless Internet/data service with e-mail and calendar functionality.

Safe and Appropriate Use of Cell Phones

Employee safety is a priority of the Governing Board, and responsible use of cell phones, requires safe use. See Policy 7530.02 - Staff Use of Personal Communication Devices.

Employees may not use a cell phone in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information – Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their cell phones. See Policy 7530.02 - Staff Use of Personal Communication Devices.

Potential Disciplinary Action/Termination of the Cell Phone Allowance

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a cell phone in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

The Governing Board authorizes the Superintendent the right to provide an employee a cell phone allowance as determined by need for their assignment.

Revised 5/3/22

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po7530.02

STAFF USE OF PERSONAL COMMUNICATION DEVICES

7530.02 - **STAFF USE OF PERSONAL COMMUNICATION DEVICES**

Use of personal communication devices ("PCDs") (as defined in Bylaw 0100) has become pervasive in the workplace. Regardless of whether the Governing Board pays an employee an allowance for the employee's use of their PCD, the Board reimburses the employee on a per use basis for their business-related use of the employee's PCD, or the employee receives no remuneration for the employee's use of their PCD, the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones/Smartphones

Employees whose job responsibilities include regular or occasional driving and the use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message, or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity, and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using the individual's PCD may constitute public records if the content of the message concerns Educational Service Center business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 - Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy8315 - Information Management. Staff are required to comply with Center requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold. Staff may not delete or

otherwise destroy any public records and/or education records that only reside/exist on the employee's PCD, without first making sure the record is properly transferred/saved to and stored on Center Technology Resources (i.e., the record is confirmed to be in the Center's custody). Further, staff are required to retain all communications that reside/exist on their PCDs so long as the communication is subject to a litigation hold. If an employee has any questions concerning this responsibility, the employee should ask their Principal or the Superintendent.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records, and ESI subject to a Litigation Hold that are maintained on the employee's PCD are transferred to the Center's custody (e.g., server, alternative storage device). The Center's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a Litigation Hold are transferred to the Center's custody, the employee is required to delete the records/ESI from the employee's PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the Center's custody and deleted from the employee's PCD before the Board will issue any final compensation that is owed to the individual.

Similarly, if an employee intends to dispose of, or otherwise stop using, a PCD on which the employee has maintained public records, student records, and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the Center's custody before disposing of, or otherwise ceasing to use, the PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the PCD. Failure to comply with these requirements may result in disciplinary action.

If a PCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

Unless specifically required to perform the applicable job duties and responsibilities, the Governing Board prohibits employees from maintaining the following types of records and/or information on their PCDS, including cellular telephones:

A. social security numbers

B. driver's license numbers

C. credit and debit card information

D. financial account numbers

E. student personally identifiable information

F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)

G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is required that employees lock and password-protect their PCDs when not in use.

Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged, or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and designees are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Personal Use of PCDs While at Work

Board employees may carry PCDS, including cellular telephones, with them while at work including while operating Board equipment, but are subject to the following restrictions:

A. Excessive use of a PCD, including a cellular telephone, for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.

B. Employees are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, damage to, or misuse or unauthorized use of PCDs brought onto its property, or the unauthorized use of such devices.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action, up to and including termination. Use of a PCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action, up to and including termination.

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po7540

TECHNOLOGY

7540 - **TECHNOLOGY**

The Governing Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Educational Service Center operations.

Students' use of Center Information & Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form**.** (See also, Governing Board Policy 7540.03.)

The Superintendent shall develop and implement a written Center Technology Plan (CTP). One (1) of the primary purposes of the CTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient, effective, and secure Center operations.

The CTP shall set forth procedures for the proper acquisition of technology. The CTP shall also provide guidance to staff and students about making safe, secure, appropriate, and ethical use of Center Information & Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if the Center's Information & Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 and Policy 7540.04.

The Superintendent shall review the CTP and report any changes, amendments, or revisions to the Board.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using Center Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using Center Information & Technology Resources).

Further safeguards shall be established so that the Board's expenditure of public funds to acquire, operate, and maintain Center Information & Technology Resources achieves the desired benefits and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; communicating with other individuals in chat rooms or using other messenger apps, or through blogs, audios (e.g., podcasts), and videos; and recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

Staff use of Center-approved social media platforms/sites shall be consistent with Policy 7544.

Students must comply with Policy 5136, Policy 7540.03, and Policy 7544 when using Center Information & Technology Resources to access and/or use Center-approved social media.

Similarly, staff must comply with Policy 7544, Policy 7540.04, and Policy 7530.02 when using Center Information & Technology Resources to access and/or use Center-approved social media platforms/sites.

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TECHNOLOGY PRIVACY

7540.01 - **TECHNOLOGY PRIVACY**

The Governing Board recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff member privacy in the educational and workplace setting and to protect the Board's interests.

All Educational Service Center Information & Technology Resources (as defined in Bylaw 0100) are considered the Board's property (whether physical objects or digital assets, including those accessible online) and intended to be used for business purposes. The Board retains the right to access and review all Information & Technology Resources (as defined in Bylaw 0100) including, but not limited to, electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private, regardless of whether the Board owns said systems or acquires them as a service.

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords and/or other means of securing such information (e.g., use of multifactor authentication (MFA) tools or techniques) does not guarantee confidentiality and the Board retains the right to access information in spite of the information being protected by a password and/or other means of verifying the user’s identity (e.g., MFA or biometric data). A staff member's refusal to permit or otherwise facilitate such access may be grounds for discipline, up to and including discharge.

Center Information & Technology Resources are to be used primarily for business and educational purposes.

Personal messages/emails, images, audios, and videos sent via Center Information & Technology Resources should be limited. Staff members are encouraged to keep their personal records and personal business separate and distinct from Center Information & Technology Resources. Because Center Information & Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing messages/emails, images, audios, or videos.

Center Information & Technology Resources must be used properly. Review of Center Information & Technology Resources will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Board, except to the extent necessary to determine if the files/messages/emails/voice-mails constitute a public record or if the Board's interests have been compromised. Any personal information/data discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent shall have the authority to search and access electronic/digital information/data maintained, stored, and/or transmitted on or through Center Information & Technology Resources.

All Center Information & Technology Resources are considered the property of and/or under the jurisdiction of the Board. Staff members shall not copy, delete, or remove any information/data contained on Center Information & Technology Resources without the express permission of the Superintendent or communicate any such information to unauthorized individuals. In addition, staff members may not download, copy, or install software onto any Center Information & Technology Resources and may not bring or access software from outside sources for use on Center Information & Technology Resources without the prior approval of the Director of Information and

Technology. Such pre-approval shall include a review of any security, privacy, copyright infringements, or virus problems associated with such outside software.

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DIGITAL CONTENT AND ACCESSIBILITY

7540.02 - **DIGITAL CONTENT AND ACCESSIBILITY**

A. **Creating Digital Content**

The Governing Board authorizes staff members and students to create content for the Educational Service Center's ("Center") website and Center-approved/affiliated apps and services (see Bylaw 0100 - Definitions) ("digital content").

Center-generated and school-related digital content must comply with State and Federal law (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the Center, its employees, and students. Center-generated digital content must be consistent with the Board's Mission Statement and is subject to prior review and approval of the Superintendent before being published on the Center's website or Center-approved/affiliated apps and services.

B. **Purpose of Digital Content**

The purpose of digital content covered by this policy is to educate, inform, and communicate. The following criteria shall guide the development of Center-generated digital content:

1. **Educate**

   Digital content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. **Inform**

Digital content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

   Digital content may communicate information about the plans, policies, and operations of the Center to members of the public and other persons who may be interested in and/or affected by Center matters.

The information published on the Board's website and Center-approved/affiliated apps/services should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the digital content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances is Center-generated digital content to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no digital content published on the Center's website may: (1) include statements or other items that support or oppose a candidate for public office; the investigation, prosecution, or recall of a public official; or passage of a tax levy or bond issue; (2) link to a website of another organization if the other website includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-Center-approved/affiliated apps/services) student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board's website or Center-approved/affiliated apps/services (e.g., Progressbook) for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites and/or private digital accounts (i.e., non-Center-approved/affiliated apps/services) (including, but not limited to, the staff member's personal accounts on Facebook, Instagram, Pinterest, YouTube Channel(s), or TikTok site(s)) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

If a staff member creates digital content related to the staff member's class, it must be hosted on the Board's website or a Center-approved/affiliated app/service.

The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identifiable information or information concerning coursework particular to a specific student's classes/assignments is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content.

Digital content published on the Board's website should reflect an understanding that both internal and external audiences will be viewing the information.

The Board retains all proprietary rights related to the design of and content for its website(s) and any apps/services it operates and/or is affiliated with absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class or as part of a school-sponsored extracurricular activity) to be displayed on the Board's

website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

C. **Accessibility of Web Content and Mobile Apps**

The Center is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the Center's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The Center is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any Center programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the Center's programs, services, and activities delivered in person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131, and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed

to run on mobile devices, such as smartphones and tablets."

1. **Technical Standards**

   Web content and mobile apps that the Center provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden.

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

a. Archived web content (provided all four (4) Federal criteria are met).

b. Preexisting conventional electronic documents (with specific restrictions).

c. Third party content that is not created pursuant to a contract between the Board and a third party.

d. Password-protected documents pertaining to a specific student or account.

e. Preexisting social media posts.

Even when the preceding exceptions apply, the Center, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing Center programs, services, programs, and/or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access Center-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the Center will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within two (2) business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; or (c) email or mail delivery of information typically accessed online.

2. **Digital Accessibility Coordinator**

The Board designates its Section 504/ADA Compliance Coordinator(s) as the Center's Digital Accessibility Coordinator responsible for coordinating and implementing this policy.

The Board commits to providing the Digital Accessibility Coordinator with sufficient resources and authority to coordinate and implement this policy and any corresponding guideline(s), subject to oversight by the Superintendent and the Board.

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator's(s') contact information.

3. **Third Party Content**

Links included on the Board’s website and Center-approved/affiliated mobile apps that pertain to its programs, activities, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, and COPPA). The Center's Digital Accessibility

Coordinator(s) or designee(s) will vet online content available on the Board's website and through Center-approved/affiliated mobile apps that are related to the Center's programs, activities, and/or services for compliance with this criteria for all new content published on the Center's website and mobile apps after adoption of this policy.

Content posted by third parties (e.g., members of the public) on Center platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the Center staff or contractors, must be fully compliant.

Additionally, nothing herein shall prevent the Center from including links on its website(s) and apps/services to:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or

b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the Center's program, benefits, or services.

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. **Regular Audits**

The Center will, under the direction of the Digital Accessibility Coordinator(s) or designee(s), at regular intervals, audit the Center's digital content to ensure it meets the required technical standards.

This audit will occur at least annually with quarterly monitoring of high-priority content and newly published materials.

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

5. **Reporting Concerns or Possible Violations**

If a person accessing the Center's web content and/or Center-approved/affiliated mobile apps (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

D. **Instructional Use of Apps/Services**

The Board authorizes the use of apps and services to supplement and enhance learning opportunities for students, either in the classroom or for extended learning outside the classroom.

E. **Training**

The Center will provide periodic training for its employees who:

1. create web content, documents, or multimedia materials;

2. manage the Board's website and digital services;

3. select and contract with technology vendors; and

4. work on online communications.

The training should cover this Policy and responsibilities associated with the specified staff members' roles related to implementation of this policy and ensuring the Center's digital content is appropriate and accessible.

Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance.

F. **One-Way Communication Using the Center Website and/or Center-Approved/Affiliated Apps/Services**

The Board approves the use of its website and Center-approved/affiliated apps/services to promote school activities and inform stakeholders and the general public about Center news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the Center's website and/or Center-approved/affiliated apps/services to be one-way communication, public comments are not solicited or desired, and the website or app/service is to be considered a nonpublic forum.

If the Center uses an app/service that does not allow the Center to block or deactivate public comments, the Center's use of that app/service is subject to Policy 7544 - Use of Social Media, unless the Center is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the Center will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records and AG 8310E - Record Retention and Disposal), but it will not review or consider those comments.

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STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Educational Service Center Information & Technology Resources include, but are not limited to, computers, file servers, laptops, software, e-mail, video equipment, AV equipment, public address systems, presentation equipment, telephones, voice mail systems, digital cameras, scanners, the local area network, the wide area network, and all equipment related thereto (collectively, "Technology Resources" or individually, "Technology Resource"). These resources are school property purchased with public funds or grant monies and are intended solely for use in furtherance of the mission of the Educational Service Center, to enhance the delivery of education, and to conduct necessary school business. Technology Resources may only be used for appropriate curricular and co-curricular purposes.

This policy sets forth the proper and acceptable uses of Technology Resources, electronic mail and communications and the Internet for all authorized users other than students and Educational Service Center employees. The use of any Technology Resource shall constitute acknowledgment and acceptance by the user of this policy and all other applicable Board policies and regulations.

Any authorized user who violates this policy, or allows others to do so, shall be immediately disconnected from all Technology Resources, may have their Technology Resource use privileges permanently revoked, and may be removed from the Educational Service Center's facilities. Each authorized user shall sign a form to acknowledge they have read, understands, and shall comply with this Technology Resources Acceptable Use Policy. These forms shall be kept on file by the Educational Service Center as binding legal documents.

The Governing Board reserves the right to modify this policy at any time. The Governing Board may pursue criminal prosecution or civil action for any unauthorized use of Information & Technology Resources or any violation of this policy when appropriate.

Technology Resources and Acceptable Use Policy Outline

A. General Standards of Conduct for Use of Technology Resources,

B. General Standards of Conduct for Electronic Mail and Communications,

C. General Standards of Conduct for Internet Use,

D. Educational Service Center Web Sites, and

E. Disclaimers.

Form: Authorized User Receipt and Acknowledgment

General Standards of Conduct for Use of Technology Resources

A. Only software licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such software shall be performed only by authorized personnel to ensure that the software is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other software, including but not limited to, shareware, freeware, public domain, or

demonstration copies of software, is prohibited. Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved software shall be removed without notice.

B. Only hardware licensed to the Governing Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such hardware shall be performed only by authorized personnel to ensure that the hardware is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other hardware, including but not limited to, CPUs, mother Boards, hard-drives, zip drives, video cards, memory, CD-ROMs, DVD-ROMs, SCSI cards, modems/routers, is prohibited. Memory based recording devices/media used for the transportation of information or enhancement devices (e.g., speakers, cameras) are permitted. The Governing Board reserves the right to inspect or restrict such use should these devices/media contain material that may damage Technology Resources (e.g., viruses, malware, spam ware, spyware). Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved hardware shall be removed without notice.

C. Technology Resource users shall not delete any software on the Educational Service Center's computers, copy any software owned by the Educational Service Center, or remove any hardware from the Educational Service Center's property without prior written permission from the Coordinator of Information and Technology.

D. Technology Resource users may not deploy or install wireless access points without prior written permission from the Coordinator of Information and Technology.

E. Network and system passwords ensure the security of critical and sensitive electronic data and are the first defense against unauthorized access. Only passwords issued by the Coordinator of Information and Technology, or designee, shall be used. Technology Resource users are prohibited from divulging their passwords to other individuals. Habitual loss or unauthorized disclosure of any password shall be subject to disciplinary action.

F. Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading, or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms, or Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.

G. Authorized users are prohibited from allowing any unauthorized person to use or operate any Technology Resource. Volunteers, aides, or other persons in the school for a specific school purpose may be authorized by the Coordinator of Information and Technology, or designee, to use Technology Resources only under the direction and direct supervision of a Educational Service Center employee. Technology Resource users shall shut down and secure in an appropriate fashion Technology Resources which are not in use.

H. Any use of Technology Resources to facilitate illegal activity is prohibited. Technology Resources shall not be used to encourage or promote any activity prohibited by law or Board policy, rules, procedures, or regulations. Any misconduct or criminal activity discovered shall be referred to appropriate authorities.

I. Use of the Educational Service Center's Technology Resources to access or transmit obscene, pornographic, or violent materials or to transmit materials likely to be threatening, offensive or objectionable is prohibited. Such prohibited materials include, but are not limited to, "hacking" materials; racist material or hate literature; terrorism instructions/directions or other dangerous information; profane or vulgar materials; threatening or inflammatory language; false or defamatory materials; disparagement of others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation; and any materials that advocate violating other's rights. In the context of educational purposes, the Educational Service Center may allow research or investigation of some objectionable materials to allow students to be better prepared to recognize social harms and improve their ability to deal effectively therewith.

J. Use of Technology Resources for political, commercial, or for-profit purposes, including fund-raising unless specifically authorized by the Educational Service Center administration, is prohibited.

K. Unauthorized access, use, modification, alteration, vandalism or destruction of Technology Resources or electronic information is prohibited. Any inappropriate use of Technology Resources that may hinder future use is prohibited. Technology Resource users are expected to respect the Educational Service Center's property and to follow any instructions from the Coordinator of Information and Technology, or designee, regarding maintenance and care of equipment. Technology Resource users shall promptly notify the Coordinator of Information and Technology of any need for service to Technology Resources.

L. Technology Resources may not be used in violation of Copyright laws. Any copyrighted material placed on any system connected to the Educational Service Center network without the author's permission shall be removed.

M. Technology Resources may not be used in violation of privacy laws and the unauthorized disclosure, use or dissemination of personally identifiable information concerning students is prohibited. All Technology Resource users are required to protect themselves and others by not issuing or releasing any personal or confidential information via Technology Resources.

N. The Coordinator of Information and Technology may establish and enforce quotas for usage of available space on the Educational Service Center network. Technology Resource users are expected to remain within allocated disk space and delete e-mail or other materials which take up excessive storage space.

O. Technology Resource users shall immediately notify the Coordinator of Information and Technology if they identify any security problem.

P. The Educational Service Center administration reserves the right to limit the times of access and to establish priorities among competing acceptable uses of Technology Resources.

Q. All remote access and use of Technology Resources shall also be subject to all applicable requirements of this policy.

General Standards of Conduct for Electronic Mail and Communications:

There shall be no use of e-mail, chat room, bulletin Boards (such as myspace.com), instant messaging or other forms or systems of direct electronic communication by volunteers, aides or other persons in the school for a specific school purpose, either internal or external to the Educational Service Center network, without the prior written consent of the Coordinator of Information and Technology. If such consent is granted, the authorized user(s) shall be subject to the electronic mail and communications requirements that are applicable to Educational Service Center employees as set forth in this policy.

General Standards of Conduct for Internet Use:

A. The General Standards of Conduct for Use of Technology Resources set forth above shall be equally applicable to all Internet use.

B. Internet access over the Educational Service Center network may be provided only to Educational Service Center employees, students, individuals enrolled in Adult Education classes, and volunteers, aides, or other persons in the school for a specific school purpose when authorized by the Coordinator of Information and Technology, or designee. Student Internet access may be limited to specified times, as provided by the instructors and the Educational Service Center administration.

C. Internet access over the Educational Service Center network is available only to support learning, to enhance instruction and to assist in the administration of the Educational Service Center. Internet access is to be used in a responsible, ethical, and legal manner. All authorized users are responsible for their actions and communications on the Internet.

D. The Educational Service Center has implemented technology protection measures to block or filter materials which are obscene or harmful to minors. The Educational Service Center shall restrict, to the extent practicable and

technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the Educational Service Center cannot, however, control the content of all information and materials available on the District network.

E. The Educational Service Center administration shall determine whether any use of the network is inappropriate or unauthorized, or whether any Internet information and materials are objectionable.

F. Instructional Staff should preview recommended sites and materials selected for inclusion in coursework. Sites should be appropriate in light of the age of the students and relevant to course objectives. Student Internet use shall be carefully monitored by Educational Service Center staff or authorized individuals. Educational Service Center staff and authorized individuals are expected to enforce all rules pertaining to student computer and Internet use and, if any instructional staff member becomes aware of student violations, he/she is expected to stop the activity and inform appropriate Educational Service Center administrators.

G. All Technology Resource users shall promptly report to the Coordinator of Information and Technology or another appropriate Educational Service Center administrator any inappropriate information or material they encounter when using the Internet or which they believe may be available based on Internet usage by other individuals.

H. Files downloaded from the Internet shall be scanned with virus detection software before being viewed or opened. Internet users are prohibited from accessing or retrieving any relay chat or other real-time or “live” communications unless there has been prior clearance by the Superintendent or designee. However, live communication for Educational Service Center business reasons within the Educational Service Center network is permissible.

I. Internet peer-to-peer file sharing and torrent use are prohibited unless there has been prior clearance by the Superintendent or designee. However, file sharing for Educational Service Center business reasons within the Educational Service Center network is permissible.

J. The downloading and installation of programs from the Internet is prohibited without the prior written approval of the Coordinator of Information and Technology or designee. Unauthorized programs shall be removed without notice.

K. Information obtained via the Internet is not always reliable and should be verified for accuracy, quality, and completeness.

L. Distribution of student information, using any personal Internet service provider, whether during or after school hours and whether on or off the Educational Service Center's premises, is a violation of student privacy and is subject to disciplinary action.

M. For curricular reasons only, authorized users may access personal sites/pages if they reflect the professional image of the Educational Service Center and are consistent with the mission of the Educational Service Center.

Educational Service Center Websites

The Educational Service Center has established a Website, www.https://www.npesc.org/, and shall develop Web pages that present information about the Educational Service Center. The Superintendent or designee is responsible for maintaining the Educational Service Center Website and may establish Website Publishing rules to manage the posting of information to the Educational Service Center Website, the posting of any school, class or student Web pages, and the creation of links to or from outside sources. All Websites and pages (including links) hosted on the Educational Service Center network shall reflect the professional image of the Educational Service Center and be consistent with the mission of the Educational Service Center. Unauthorized Websites or pages may not be placed on the Educational Service Center network.

Use of Artificial Intelligence Tools For School Work

To ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence (AI) tools is strictly prohibited for the completion of school work. The use of AI tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI tools is considered a form of plagiarism, and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct. (See Policy 7540.09 - Artificial Intelligence ("AI"))

Notwithstanding the preceding, students can use AI tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI tools for the following uses:

A. Research assistance: AI tools can be used to help students quickly and efficiently identify background information, including locating relevant information and sources for their school projects and assignments, suggesting research questions, providing opposing viewpoints, identifying blind spots, and suggesting other perspectives.

B. Data Analysis: AI tools can be used to help students with pattern identification and to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. Language translation: AI tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language. AI tools can also remove abstract language from a text, adjust text complexity,

and provide background information about a culture to help a student understand texts.

D. Writing assistance: AI tools can provide feedback on a student's writing, including grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills. Similarly, AI tools can offer suggestions to modify tone and voice, organize a student's thinking, identify bias, suggest additional topics, and ask questions to expand the student's thinking on a topic.

E. Accessibility: AI tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material).

When AI tools are used responsibly and effectively, they can supplement, not replace, traditional learning methods. If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher.

In accordance with their teacher's direction, students are required to cite/identify work generated/created with the use of AI tools and explain/demonstrate how the AI tools were used in the creation of the work.

Disclaimers

The Educational Service Center does not guarantee the privacy of any information, including but not limited to e-mail messages or electronic communications or files sent or received via Technology Resources. Any person utilizing any Technology Resource understands and agrees that he/she is specifically waiving any expectations of privacy in communications, data and other information stored, displayed, accessed, communicated, or transmitted thereon. The Educational Service Center reserves and

shall exercise the right to access, monitor, review, audit, log and intercept computer activity, Internet use, e-mail, electronic communications, and other Technology Resource use by any users, at all times and without notice. The Educational Service Center may edit or remove any materials from Technology Resources which are determined to be objectionable. If any misconduct or criminal activity is discovered, the information or communications may be used to document such conduct and may be referred to the Educational Service Center administration and appropriate authorities. The use of a Educational Service Center provided password or code does not restrict the Educational Service Center's right to access, monitor, review, audit, log, and intercept electronic information or communications.

The Educational Service Center denies any responsibility for the accuracy, quality, or completeness of any information available over the Internet. Furthermore, the Educational Service Center assumes no responsibility for any costs, liabilities or damages incurred through use of Technology Resources.

Technology Resource users are responsible for archiving and backing-up all electronic information and communications which need to be retained. The Educational Service Center makes no guarantee that the functions or services provided by or through the Educational Service Center network shall be error free or without defect. The Educational Service Center is not responsible for any damages incurred due to loss of data or delays in or interruption of services.

The Coordinator of Information and Technology may investigate any unusual activity involving Technology Resources and may periodically report to the Superintendent or designee on the manner in which Technology Resources are being used.

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STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology directly affects the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The Governing Board provides Educational Service Center ("Center") Information & Technology Resources (as defined by Bylaw 0100) (collectively, “Center Information & Technology Resources”) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for educational purposes only and utilizes apps and services (apps/services) (as defined by Bylaw 0100) to enhance the instruction delivered to its students and to facilitate the staff’s work. The Center’s computer network and Internet system do not serve as a public access service or a public forum and the Board imposes reasonable restrictions on its use consistent with its stated educational purpose.

The Governing Board regulates the use of Educational Service Center Information & Technology Resources by principles consistent with applicable local, State, and Federal laws, and the Center’s educational mission. This policy, Policy 7544, and any applicable employment contracts and collective bargaining agreements govern the staff’s use of Educational Service Center Information & Technology Resources and personal communication devices when they are connected to the Center’s Information & Technology Resources, including apps/services, regardless of whether such use takes place on or off school property (see Policy 7530.02).

Staff members are prohibited from using Center Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person’s privacy, etc.). Nothing herein, however, shall infringe on a staff

member's First Amendment rights. Because Center Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Staff members have no right or expectation to privacy when using Center Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

Staff members are expected to use Center Information & Technology Resources to promote educational excellence in our schools by providing students with the opportunity to develop resource-sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and apps/services will be guided by Board Policy 2520 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, Center Information & Technology Resources provide students and staff with the opportunity to communicate with people throughout the world. Access to such an incredible quantity and diversity of information and resources brings with it, however, certain unique challenges and responsibilities.

While the Board uses various technologies to limit the use of Center Information & Technology Resources to only use/access apps/services and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members to review and screen all materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking

into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of apps/services.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using Center Information & Technology Resources if such disabling will cease to protect against access to materials that are prohibited under CIPA. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be disciplined, up to and including termination.

The Superintendent or Designee may temporarily or permanently unblock access to websites or apps/services containing appropriate material if access to such sites has been mistakenly, improperly, or inadvertently blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or Designee may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Directors are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and

D. unauthorized disclosure, use, and dissemination of personally-identifiable information ("PII") regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of Center Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities while the students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions or use of specific monitoring tools to review browser history and network, server, and computer logs. The Center will provide parents with appropriate notice – to the extent required by State law – when such monitoring takes place.

The disclosure of personally identifiable information about students online is prohibited.

All staff members who use Center Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines. See Form 7540.04 F1.

In order to keep Center Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all Center-established cybersecurity procedures including, but not limited to, the use of multi-factored authentication (MFA), for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Staff will be assigned an Educational Service Center-provided school e-mail address that they are required to use for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the Center.

Staff members are responsible for good behavior when using Center Information & Technology Resources - i.e., behavior comparable to that expected when they are in physical classrooms and school buildings and at school-sponsored events. Because communications on the Internet are often public in nature, general rules for professional behavior and communication apply. The Board does not approve any use of Center Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guideline and Policy 7544.

Staff members' use of Center Information & Technology Resources to access or use social media is to be consistent with Policy 7544.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Center's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online

conduct that occurs off school property including from the employee's personal communication device. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

Use of Artificial Intelligence Tools

Staff are permitted to use Artificial Intelligence ("AI") tools to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy – e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to PII, etc..

To ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence (AI) tools is strictly prohibited for the completion of school work. The use of AI tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI tools is considered a form of plagiarism, and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct. (See Policy 7540.09 - Artificial Intelligence ("AI"))

Notwithstanding the preceding, students can use AI tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI tools for the following uses:

A. Research assistance: AI tools can be used to help students quickly and efficiently identify background information, including locating relevant information and sources for their school projects and assignments, suggesting research

questions, providing opposing viewpoints, identifying blind spots, and suggesting other perspectives.

B. Data Analysis: AI tools can be used to help students with pattern identification and to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. Language translation: AI tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language. AI tools can also remove abstract language from a text, adjust text complexity, and provide background information about a culture to help a student understand texts.

D. Writing assistance: AI tools can provide feedback on a student's writing, including grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills. Similarly, AI tools can offer suggestions to modify tone and voice, organize a student's thinking, identify bias, suggest additional topics, and ask questions to expand the student's thinking on a topic.

E. Accessibility: AI tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material).

When AI tools are used responsibly and effectively, they can supplement, not replace, traditional learning methods. If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher.

In accordance with their teacher's direction, students are required to cite/identify work generated/created with the use of AI tools and explain/demonstrate how the AI tools were used in the creation of the work.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Center Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Governing Board designates the Superintendent and Designee as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of Educational Service Center Information & Technology Resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting PII about students is not permitted. Staff members who violate State and Federal confidentiality and/or privacy laws related to the disclosure of student or employee PII may be disciplined.

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EDUCATIONAL SERVICE CENTER-ISSUED STAFF E-MAIL ACCOUNT

7540.05 - **EDUCATIONAL SERVICE CENTER-ISSUED STAFF E-MAIL ACCOUNT**

The Governing Board is committed to the effective use of electronic mail ("e-mail") by all ESC staff and Governing Board members in the conduct of their official duties. This policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents, and community members.

When available, the ESC's e-mail system must be used by employees for any ESC e-mail communications. Personal e-mail accounts on providers other than the ESC's e-mail system may be blocked at any time due to concerns for network security, SPAM, or virus protection. Furthermore, ESC staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the ESC's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

ESC staff shall not send or forward mass e-mails, even if the e-mails concern ESC business, without prior approval of the Technology Director and Superintendent.

ESC staff may join list servs or other e-mail services (e.g., RSS feeds) that pertain to their responsibilities in the ESC, provided these list servs or other e-mail services do not exceed the staff member's e-mail storage allotment. Staff members are required to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a Litigation Hold, and purging all other e-mails that have been read. If a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her Building Principal or the ESC's Technology Director. The Technology Director is authorized to

block e-mail from list servs or e-mail services if the e-mails received by the staff member(s) regularly exceed (10) megabytes.

Public Records

The ESC complies with all applicable laws and regulations pertaining to electronic mail. Accordingly, e-mails written by or sent to ESC staff and Governing Board members may be public records if their content concerns ESC business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Governing Board Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Governing Board Policy 8330 – Student Records. Finally, e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

Applicable laws and regulations exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to ESC staff and Governing Board members by means of their private e-mail account may be public records if the content of the e-mails concerns ESC business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with an ESC request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the ESC.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

The ESC maintains archives of all e-mails sent and/or received by users of the ESC's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the ESC server to their ESC e-mail account so that these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Governing Board does not authorize the use of its Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Governing Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Governing Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Governing Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Governing Board Policy 7540.04, staff and Governing Board members using the ESC's e-mail system shall acknowledge their review of, and intent to comply with, the ESC's policy on acceptable use and safety by signing and submitting the appropriate form.

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po7540.08

NETWORK RESOURCES AND INTERNET SAFETY

7540.08 - **NETWORK RESOURCES AND INTERNET SAFETY**

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The Governing Board is pleased to provide Internet service to its staff. The ESC's Internet system has a limited educational purpose. The ESC's Internet system has not been established as a public access service or a public forum. The Governing Board has the right to place restrictions on its use to assure that use of the ESC's Internet system is in accord with its limited educational purpose. Staff use of the ESC's computers, network, and Internet services ("Network") shall be governed by this policy, Policy 7544, and any applicable employment contracts. The due process rights of all users shall be respected in the event there is a suspicion of inappropriate use of the Network. Users have no right or expectation to privacy when using the Network (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the Network).

The Governing Board encourages staff to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Governing Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet shall be guided by the Governing Board's policy on Instructional Materials.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the ESC with computers and users worldwide. Through the Internet, students and staff can access

up-to-date, highly relevant information that shall enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Governing Board may not be able to technologically limit access, through the Governing Board's Internet connection, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to the reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, shall open classrooms and students to electronic information resources that have not been screened by educators for use by students of various ages.

Pursuant to Federal law, the Governing Board has implemented technology protection measures, which protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Governing Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Governing Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures, may not be disabled at any time that students may be using the Network, if such disabling shall cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator shall be subject to disciplinary action, up to and including termination.

The Superintendent or designee may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately

blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or designee may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members shall participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students or staff online; and

D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members shall monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building principals/program managers/supervisors are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy. The Governing Board expects that staff members shall provide guidance and instruction to students in the appropriate use of the Internet. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. All Internet users are required to sign a written agreement to abide by the terms and conditions of this policy.

Staff will be assigned a school e-mail address that they are required to utilize for all school-related electronic communications, including those to students, parents, and other constituents, fellow staff members, and vendors or individuals seeking to do business with the ESC.

Staff members are responsible for good behavior on Governing Board's computer/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature.

Staff members shall not access social media for personal use on the ESC's network, and shall access social media for educational use only after submitting a plan for that educational use and securing the principal/program manager's approval of that plan in advance.

General school rules for behavior and communication apply. The Governing Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and Policy 7544.

Staff members use of ESC technology resources to access or use social media is to be consistent with Policy 7544.

An employee's personal or private use of social media may have unintended consequences. While the Governing Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the ESC's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's personal communication device. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

Users who disregard this policy may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Governing Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this policy.

The Governing Board designates the Superintendent and Coordinator of Information and Technology Services as the administrators responsible for initiating, implementing, and enforcing this policy as they apply to staff members' use of the Network.

Ohio Valley Educational Service Center

po7540.09

ARTIFICIAL INTELLIGENCE ("AI")

7540.09 - **ARTIFICIAL INTELLIGENCE ("AI")**

The Governing Board acknowledges the positive impact and transformative potential of Artificial Intelligence ("AI") in education and operations, emphasizing a balanced, people-centered approach. It supports the responsible and innovative use of AI in classrooms and professional settings, with the understanding that AI should enhance human interaction and instruction, not replace it, and all AI-driven decisions require human review.

Through this policy, the Board aims to prepare students for success, encourage innovation for classroom instruction, and embrace opportunities for operational efficiency, while providing for consistent expectations, standards, and approval processes for safe and responsible implementation and integration of AI.

Definitions

Artificial Intelligence ("AI"): A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action. See 15 U.S.C. 9401, Sec. 3.

Generative AI: Any internet-based generative artificial intelligence program that makes use of large language model algorithms to make something new. AI used for auto-complete, minor text predictions, and/or grammar/spelling/punctuation suggestions,

commonly found in most word-processing applications, is not considered generative AI. See A.C. 3342-3-01.8(B)(15).

AI tool: A software application that uses artificial intelligence technologies, like machine learning and natural language processing ("NLP"), to perform tasks that typically require human intelligence, such as understanding language, analyzing data, solving problems, and creating content, often by learning from patterns in large datasets to improve over time.

Natural Language Processing ("NLP"): A field of artificial intelligence that focuses on enabling computers to understand, interpret, and respond to human language in a meaningful way. Examples of NLP include, but are not limited to, Grammarly, GPT-Based APIs, Google Cloud Natural Language AI, Microsoft Azure Text Analytics, IBM Watson NLP, Amazon Comprehend, etc.

Large Language Model ("LLM"): A sophisticated AI system trained on extensive text data to process and produce language; recognize patterns, grammar, and nuances. It can perform tasks like text generation, question answering, and language translation.

Algorithm: A set of rules or instructions guiding AI operations and decision-making.

Personally Identifiable Data/Personal Data: Refers to any information that can directly or indirectly identify an individual including, but not limited to, names, addresses, student records, and health information.

Proprietary Information/Data: Refers to a broad category of non-public, sensitive, or confidential data belonging to the Center, its staff, or its operations. This information is considered the Center's. This information is generally protected from unauthorized disclosure or use.

Open AI ("Open-Source AI"): AI models where the developers openly share the model's architecture, underlying code, and often the "weights" (the learned parameters of the model), and sometimes the training data. Open AI models accessed publicly present a high risk of data release, as data input is often used for AI tool training and can be publicly available. Open AI models may require the Center to implement and manage its own wrapper or filtering layer. As a result, it is not recommended that Open AI tools/applications are used in ESCs due to the high potential of violating Federal and State laws. Open-Source AI also produces less reliable content because it is accessing a pool of data that is not universally verified as accurate.

Closed AI ("Closed-Source/Proprietary AI"): AI models where the developers obscure or protect the model's architecture, underlying code, training data, and weights. Users interact with the model via a restricted service. Closed AI may offer better, contractually-guaranteed data security (e.g., "enterprise" versions), but its "black box" nature still requires a formal audit and contract. Closed AI developers typically manage these filters internally. Closed-Source or Proprietary AI produces more reliable results because it is accessing data sources that are controlled and can be verified as accurate.

AI LITERACY

The Board recognizes the importance of preparing students and educators for the successful integration of innovative technologies. To that end, the Board directs the administration to responsibly integrate AI by building AI literacy for all students and educators, including integration of AI into relevant curriculum, professional learning opportunities, and safe and responsible usage.

STAKEHOLDER ENGAGEMENT

The Superintendent shall establish an AI workgroup to inform AI policy and implementation. The workgroup should include educators who are representative of grade levels and departments, including special education and related services professionals, other relevant staff, Board members, and students, as well as external

representatives such as local businesses and postsecondary institutions. Educators and staff should be given the opportunity to explore and gain experience with applications and integrated approaches to achieving the Center's mission and priorities. The workgroup should regularly review new research and guidance and provide ongoing feedback to the Board.

Parents and community members should be informed through ongoing engagement about the skills students need for the future workforce and how AI is being used in the classroom. Educational resources may be provided to empower families to understand the potential risks associated with the unsupervised use of AI tools. Regular AI updates, including the use of tools and opportunities for feedback, shall be integrated into the existing family and community engagement strategy.

DATA PRIVACY AND SECURITY

The Center is committed to protecting the privacy and security of all student and staff data. The adoption and implementation of any AI tool must adhere to existing data privacy and security policies that include, but are not limited to, Personally Identifiable Information ("PII"), FERPA, and any other relevant State of Ohio and Federal laws. See Policy 8330 – Student Records; Policy 8350 - Confidentiality; and Policy 8351 - Security Breach of Confidential Databases. AI tools should only access, store, or process data that is necessary, and must do so in a secure, transparent, and ethical manner. AI systems must be vetted to ensure they meet rigorous standards for data encryption, access control, and responsible data use.

Users must also follow the terms of service, including appropriate age limits.

PROCUREMENT AND EVALUATION OF AI TOOLS

The adoption of AI-enabled tools should be conducted in accordance with existing procurement policies and in alignment with the Center's core values, goals, and priorities. Selection procedures must ensure that any AI tool adheres to data privacy and security policies. Evaluation of tools must also address alignment to instructional and operational goals, accessibility, and cost. All third-party vendors providing AI tools

must comply with Center standards and State and Federal law for data protection, ethical use, and accessibility.

The Center approves the use of Closed AI tools only, that have been carefully reviewed, evaluated, and approved by the OVESC AI Committee for students and staff use.

Before adopting any AI tool or system, the Center will conduct a comprehensive risk assessment — evaluating data sources (including use of student Personally Identifiable Information), decision-making impacts on students, potential bias or disparate impact, and vendor compliance with privacy, security, and data retention laws — and verify all contracts include clear legal, ethical, and technical safeguards aligned with FERPA, IDEA, COPPA, PPRA, relevant Ohio laws and regulations and guidance issued by the Ohio Department of Education and Workforce, and Board policies. AI systems must be reviewed to confirm they are nondiscriminatory, fully accessible, and do not compromise the rights or individualized support of students, particularly those protected under Federal and State civil rights laws.

ETHICAL USE OF AI

The Superintendent is charged with verifying that the design and implementation of AI is done in a safe and responsible manner that keeps people at the core of every AI-related decision. AI implementation should be human-centered and should empower students, educators, and communities. It is a tool to support learning and teaching, not a substitute for student effort or the role of the educator. Accordingly, users should critically analyze AI output, respect safeguards and rules, and be transparent about its use.

Center employees who use AI technologies must do so in ways consistent with institutional values, privacy standards, Family Educational Rights and Privacy Act ("FERPA"), Individuals with Disabilities Education Improvement Act ("IDEA"), copyright laws, and ethical principles, honesty, trustworthiness, and personal dignity of both employees and students.

The Center is committed to transparency and accountability in AI use by informing teachers, students, and parents when AI influences decisions, clearly explaining how it works and what data it uses, assigning oversight to the Superintendent, Treasurer, and OVESC AI Committee and conducting regular audits to evaluate accuracy, fairness, and impact on equity and student rights. The Center will maintain a public AI Tool Inventory that lists every approved AI tool and includes a summary of its data-handling and privacy features. The AI Tool Inventory will be posted on the Center website.

ACCEPTABLE USE

The Center recognizes that responsible and appropriate uses of AI by students and educators will vary depending on the context including, but not limited to, grade level, subject, and/or the nature of the classroom activity or assignment.

Expectations for acceptable student uses should be clearly articulated by educators in alignment with policy and guided by the specific requirements for an assignment or activity. This includes specifying AI use expectations in course syllabi and assignment instructions when relevant. These expectations should clearly articulate the expectations of use, types of relevant assignments where AI use is acceptable, and the required format for references.

Students shall receive age-appropriate instruction about responsible AI use, digital citizenship, privacy, and the risks/limitations of AI prior to using AI.

As noted above, students may use AI tools for academic purposes when specifically and clearly permitted by their teacher(s). The use of AI must be properly disclosed and cited in accordance with the established guidelines and not be employed to undermine authentic learning or learning objectives for the course or assignment.

If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher(s).

Educators should consider the impact on learning objectives and assessment of student learning when designing related instruction and classroom activities. No assignment shall require the use of a tool that is not provided by the Center. AI tools approved for use should be clearly communicated.

Employees may integrate AI tools into their instruction at their discretion and should clearly define the parameters for AI usage in the classroom by students using Center-approved AI applications/tools.

When using AI to create instructional materials, assessments, or feedback, employees shall maintain transparency by disclosing the role of AI in these processes. Employees must review and verify the accuracy and appropriateness of any AI-generated content. Employees are solely responsible for all AI-generated content that they use.

Employees shall not input sensitive, confidential, personally identifiable, or proprietary information about students, colleagues, or institutional operations into AI systems that lack safeguards and policies to protect such data from being used in their training models, and if such information will be entered into an AI system, employees shall seek the approval of their supervisor before doing so.

Expectations for educators, staff, and third-party use should align with Center priorities. Educator use should be in alignment with the Licensure Code of Conduct for Ohio's Educators. Educators and staff must model appropriate acceptable use practices when using AI tools for instructional and operational uses.

Use of tools that have not been approved is not permitted.

All users are expected to employ AI tools solely for educational and related operational purposes, upholding values of respect and academic integrity, and in alignment with other related Board policies. Using AI tools for bullying, harassment, and any form of intimidation is strictly prohibited and should be addressed in alignment with existing behavior and discipline policies. See Policy 2240 – Controversial Issues; Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities; Policy 5136 – Personal Communication Devices; Policy 5500 – Student Conduct; Policy 5517 –

Anti-Harassment; Policy 5517.01 – Bullying; Policy 7540.03 – Student Technology Acceptable Use and Safety; Policy 7540.04 – Staff Technology Acceptable Use and Safety.

Students and staff with concerns regarding inappropriate use that violates Board policies and/or applicable state or federal laws should contact the Superintendent or appropriate building administrators.

ACADEMIC INTEGRITY

The Board recognizes that the responsible use of AI requires the highest standards of academic integrity with clear expectations for students, educators, and staff regarding the ethical use of AI tools. AI-enabled tools may be used to support student work (such as brainstorming or feedback), but AI-generated work must not replace student work. Students are expected to complete assignments and assessments in a manner that reflects their own understanding and effort, critically analyze AI-generated content and not misrepresent it as original work, and use proper citations and references for AI-assisted work according to existing policies and expectations relevant to assignments (such as APA or MLA style formats).

The Superintendent shall specify procedures for investigating and addressing suspected misuse in alignment with existing academic integrity policies.

A student's unauthorized use of AI tools will be considered a form of plagiarism, unauthorized collaboration, or misrepresentation of AI-generated content as original work, and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Handbook or Policy 5500 – Student Code of Conduct.

ACADEMIC ACCESSIBILITY

AI tools can be utilized to assist students with disabilities in accessing and

understanding written materials. For example, text-to-speech software can help students with specific learning disabilities, visual impairments, or other disabilities in reading texts, and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material). Specific use of AI technologies beyond universal application for students with disabilities is best addressed in each student's Individual Education Plan ("IEP").

EMPLOYEE TRAINING

Employees will receive training annually to ensure adherence to this and other related policies, data privacy, student records, and allowable/approved AI tools in the Center.

IMPLEMENTATION AND REVIEW

The Board, in partnership with the Superintendent's AI workgroup, will monitor developments in AI technology and update policies to address emerging risks. This policy should be reviewed often for effectiveness; alignment to center, school, educator, and student needs; considerations of ongoing innovation; related data privacy and management policies; and impact on students, including learning outcomes.

OTHER CONSIDERATIONS

NON-ACADEMIC USE OF AI

Students and staff are prohibited from using AI to generate false or knowingly misleading representations of other students, staff, volunteers, or Board members that are reasonably interpreted as derogatory, threatening, or otherwise objectionable to a reasonable person, including by way of AI generated or manipulated visual or verbal depictions of any such individual, or the distribution of such depictions through any means, for example via social media, regardless of whether the distributor created the depictions themselves. This provision expressly prohibits the creation and/or distribution of Non-Consensual Intimate Imagery ("NCII"). This paragraph shall be implemented in a manner consistent with individuals' First Amendment rights.

ENFORCEMENT

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Administration will refer any illegal acts to law enforcement.

QUESTIONS OR CONCERNS

Staff, parents, or members of the public who have questions or concerns regarding this policy or the use of AI in the Center should contact the Superintendent.

NON-CONSENSUAL INTIMATE IMAGERY

National digital safety experts have emphasized the importance of addressing issues related to Non-Consensual Intimate Imagery ("NCII"), particularly in terms of local policies on digital wellness and cyberbullying. The Center for Democracy & Technology has created a model policy and related resources that centers and schools may want to consider incorporating into relevant local policies. In potential cases where NCII may be used for the purposes of sexual extortion, schools and centers should be aware of Braden's Law and consider how it may apply within existing local policies, as the law classifies sexual extortion as a felony offense in Ohio.

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po7542

ACCESS TO ESC TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES

7542 - **ACCESS TO ESC TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES**

For purposes of this policy, "personal communication device" (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

The Governing Board provides both a guest network and business network. The business network is a secure network for the conduct of official ESC business. Access to the business network requires prior approval and authorization by the ESC. The guest network is a CIPA compliant non-secured network provided for use by students, parents, and other visitors while on ESC property. Only Governing Board approved communication devices and authorized users may access the business network. Any non-Governing Board-approved communication devices or non-authorized users shall be pre-approved by the Superintendent.

The Governing Board permits employees, students, Governing Board members, and guests, as well as contractors, vendors, and agents to use their PCDs to wirelessly access the ESC's Technology and/or Information Resources while they are on-site at any ESC facility.

Access to the business/guest network shall require authentication.

If the user wants to access the ESC's Technology and/or Information Resources through a hard-wired connection, the user's PCD shall first be checked by the Superintendent to verify it meets the established standards for equipment used to access the network.

The standards shall be designed and enforced to minimize the Governing Board's exposure to damages, including, but not limited to, the loss of Confidential Data/Information, illegal access to Confidential Data/Information, damage to the ESC's intellectual property, damage to the ESC's public image/reputation, and damage to the ESC's critical internal systems, from unauthorized use.

The use of PCDs shall be consistent with the established standards for appropriate use as defined in Policies 7540.03, 7540.04, 5136, and 7530.02. When an individual connects to and uses the ESC's Technology and/or Information Resources, s/he shall agree to abide by all applicable policies, and laws (e.g., the user shall be presented with a "splash screen" that shall set forth the terms and conditions under which s/he shall be able to access the ESC's Technology and/or Information Resource(s) the user shall need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

In order to comply with the Children's Internet Protection Act ("CIPA"), the Governing Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Governing Board also utilizes software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors.

Any user who violates the established standards and/or the Governing Board's Acceptable Use policy, or who accesses the ESC's Technology and/or Information Resources without authorization may be prospectively denied access to the ESC's Technology and/or Information Resources. If the violation is committed by a contractor, vendor or agent of the ESC, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Governing Board property. This provision applies to everyone, regardless of their affiliation or connection to the ESC.

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po7543

UTILIZATION OF THE EDUCATIONAL SERVICE CENTER'S WEBSITE AND REMOTE ACCESS TO THE CENTER'S NETWORK

7543 - **UTILIZATION OF THE EDUCATIONAL SERVICE CENTER'S WEBSITE AND REMOTE ACCESS TO THE CENTER'S NETWORK**

Access to the ESC's Website is encouraged.

Parents, students, staff/employees, and community members are encouraged to access the Educational Service Center's website (https://www.ovesc.org).

The following resources are available on the Center's website:

A. links to school websites

B. School/Center Departments

C. Governing Board minutes

D. information concerning the Center's Anti-Discrimination Policies and Guidelines, including Section 504/ADA complaint procedures

E. summary of all reported bullying incidents (updated twice a year)

F. required Forms

G. employment and Volunteer Opportunities

H. resources for additional information during a crisis/an emergency situation

I. contact Info

Parents, students, staff/employees, and community members should check the Center's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, the user should contact the applicable school or department for access.

Access to the Center Network Through a Server

Governing Board members, Center employees, Students, as well as contractors,vendors, **and** agents of the Center, are not permitted to use their personally-owned computers or workstations and/or web-enabled devices of any type to remotely (i.e. away from Center property or facilities) access the Center's server and connect to the Center's network.

Any exceptions to this policy must be approved in advance, in writing, by the Superintendent.

Any employee who violates this policy may be disciplined, up to and including termination; any contractor, vendor, or agent who violates this policy may have their

contract with the Center terminated; and any student who violates this policy may be disciplined, up to and including suspension or expulsion.

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po7544

USE OF SOCIAL MEDIA

7544 – **USE OF SOCIAL MEDIA**

Technology is a powerful tool to enhance education, communication, and learning.

The Governing Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff (including ESC-approved volunteers), and the general public. Social media is defined in Bylaw 0100.

The Superintendent is charged with designating the Governing Board-approved social media platforms/sites, which shall be listed on the Governing Board's website.

In designating Governing Board-approved social media platforms/sites, the Superintendent shall specify which platforms/sites are appropriate for use at the Governing Board-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the Governing Board provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Governing Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The Governing Board recognizes that employees may use social media for personal, as well as professional reasons. The Governing Board neither encourages nor discourages employees' use of social media for personal purposes. The Governing Board regulates employees' use of social media for purposes related to their Governing Board assignment to the same extent as it regulates any other form of employee communication in that regard.

The ESC uses approved social media platforms/sites as interactive forms of communication.

Each Governing Board-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff (including Governing Board-approved volunteers) may, with prior approval/authorization from the Superintendent or designee to use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a Governing Board-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of Governing Board-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 7540.03, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personal information about students, employees, and volunteers through Governing Board-approved social media without appropriate consent.

Staff members (including Governing Board-approved volunteers) must obtain parental consent for students to participate in the use of social media platforms/sites related to a school-sponsored activity. If a parent refuses to provide such consent, the staff member must arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

Expected Standards of Conduct on Governing Board-Approved Social Media

Employees and Governing Board-approved volunteers who access Governing Board-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access Governing Board-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

Governing Board-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with Governing Board operations; or interferes with the rights of others. The Governing Board may exercise editorial control over the style and content of student speech on Governing Board-approved social media, if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The Governing Board is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Governing Board members, and other individuals on Governing Board-approved social media sites. Governing Board employees and volunteers are prohibited from posting or releasing confidential information about students, employees, volunteers, or Governing Board operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning Governing Board operations).

Retention of Public/Student Records

Governing Board communications that occur through the use of Governing Board-approved social media platforms/sites – including staff members'/volunteers' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Governing Board's adopted record retention schedule and all applicable State statutes.

Records that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the Governing Board do not become public records just because they are kept or maintained by the Governing Board under this policy.

Staff members and Governing Board-approved volunteers cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted, or are otherwise no longer available. Consequently, Governing Board employees and volunteers who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the Governing Board so records remain within the Governing Board's control and are appropriately retained.

If a staff member uses Governing Board-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal/program manager concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees' Use of Governing Board Technology Resources to Access Social Media for Personal Use

Employees and Governing Board-approved volunteers are prohibited from using Governing Board technology resources (as defined in Bylaw 0100) to access social media for personal use.

Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are prohibited from using personal communication devices to access social media for personal use during work hours.

Employees and Governing Board-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Governing Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Governing Board policies, or administrative procedures, the Governing Board may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

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po7560

USE OF SCHOOL FACILITIES AND TECHNOLOGY RESOURCES FOR DISTANCE LEARNING

7560 - **USE OF SCHOOL FACILITIES AND TECHNOLOGY RESOURCES FOR DISTANCE LEARNING**

ESC facilities and Technology Resources (as defined in Governing Board Policy 7550 attached hereto and made a part hereof) may be periodically leased for use by other educational bodies or private organizations for distance learning activities. Access to the ESC's facilities and Technology Resources is provided to enhance educational opportunities in the community and shall be subject to the requirements set forth in this policy and all other policies and regulations of the Governing Board and to applicable Federal, State, and local laws. Use of the ESC's facilities and Technology Resources for distance learning activities shall also be subject to contractual agreement with the Governing Board.

The Superintendent, or designee, shall have the authority to authorize, prioritize, regulate, modify, and restrict any and all distance learning activities utilizing the ESC's facilities or Technology Resources. Use of the ESC's facilities or Technology Resources for distance learning activities shall not interfere with the educational programs of the ESC. Access to the ESC's facilities and Technology Resources may be limited when necessary to assure protection of school property or the safety of students or other persons on the premises.

Information or materials to be presented in distance learning activities may be subject to review by the Superintendent of Schools or designee prior to presentation or broadcast to determine whether the information and materials are appropriate for the educational environment.

Individuals authorized to use the ESC's facilities or Technology Resources for distance learning activities are prohibited from allowing any unauthorized persons to use such facilities or Technology Resources.

No item of school property shall be removed from the ESC's facilities without the prior written approval of the Superintendent or designee.

Vandalism, damage or destruction of the ESC's facilities or any school property located in or around such facilities is prohibited.

No weapons or dangerous instrumentalities are permitted on school property.

The use or possession of tobacco, alcohol or illegal drugs in any form is prohibited on school property.

Proper training in the use of the ESC's Technology Resources may be required by the Coordinator of Information and Technology.

The ESC does not guarantee the privacy of any information sent or received via the ESC's Technology Resources and reserves the right to monitor and record all use of Technology Resources for distance learning activities at all times and without notice.

Users of the ESC's Technology Resources for distance learning activities shall comply with all requirements of the ESC's Technology Resources Acceptable Use Policy.

Any individual involved in distance learning activities who violates this policy, or allows others to do so, shall be subject to discipline, up to and including disconnection from the ESC's Technology Resources, removal from the ESC's facilities, revocation of the privilege of using the ESC's facilities and Technology Resources, and termination of participation in all distance learning activities.

The Governing Board reserves the right to modify this policy at any time and from time to time without notice. The Governing Board also may pursue criminal prosecution or civil action when appropriate.

Ohio Valley Educational Service Center

po8120

VOLUNTEERS

8120 - **VOLUNTEERS**

The Governing Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

Volunteers for Extra-Curricular Activities

Volunteers who direct, supervise, or coach a student activity program that involves athletics, routine or regular physical activity, or activities with health and safety considerations may be required to obtain a pupil activity permit issued by the Ohio Department of Education (ODE). As provided in ODE guidance, the District shall determine which staff members need to have a permit. However, in accordance with OHSAA General Regulations, coaches, paid and/or volunteer, in grades seven (7) through twelve (12) who do not possess the Pupil Activity Program/Coaching Permit shall not be permitted to coach at any level at an OHSAA member school. Such qualifications shall include completion of a sudden cardiac arrest training course approved by the Department of Health, in accordance with R.C. 3319.303. The qualifications shall also include completion of a student mental health training course approved by the Department of Mental Health and Addiction Services. The mental health training course may be combined with or part of another training course. Such training must be completed each time the individual applies for or renews a Pupil Activity Program Permit. Individuals who have applied for a Permit but who have not yet been issued a valid credential shall not be permitted to interact with athletes, even under the supervision of a credentialed coach, until the Pupil Activity Permit number is formally issued.

These volunteers will submit to a background check and take courses as may be required by the Ohio Department of Education.

The cost of obtaining the permit will be at the volunteer's expense.

General Requirements

The Superintendent is to inform each volunteer that they:

A. are required to abide by all Governing Board policies and District guidelines while on duty as a volunteer (including, but not limited to, the volunteer's obligation to keep confidential and not release or permit access to any and all student personally identifiable information to which they are exposed except as authorized by law);

B. will be covered under the District's liability policy but the District can not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;

C. will be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of their volunteer services;

D. may not accept compensation from any third party or source including, but not limited to, booster, parent, or other District support organizations for the performance of their official duties as a volunteer on behalf of the Board.

Furthermore, the Superintendent shall inform all volunteers to display appropriate behavior at all times, and that they shall have to provide a set of fingerprints so that a criminal records check can be conducted at the Board’s expense and that they shall

have to pay the costs associated with the criminal records check either before they can begin their duties, or as a condition of continued service as a volunteer at the discretion of the Board.

Furthermore, the Superintendent shall inform all volunteers who work or apply to work unsupervised with children on a regular basis of the need to display appropriate behavior at all times, and that they have to provide a set of fingerprints so that a criminal records check can be conducted at the expense set forth in the applicable service agreement or program area upon approval of the Superintendent, either before they can begin their duties or as a condition of continued service as a volunteer at the discretion of the Governing Board.

If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to any of the offenses listed below and/or described in R.C. 109.572 (A)(1), the volunteer will be informed either that the Governing Board is no longer interested in maintaining their volunteer service or that the volunteer will be assigned to duties for which they will not work unsupervised with children.

The Superintendent shall inform each volunteer of the District's appreciation for their time and efforts in assisting in the operation of the schools and for their understanding with regard to the need for all volunteers to be subject to possible criminal records check.

Offenses

No person is to be accepted or maintained as a volunteer if they have 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 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 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)

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po8141

MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES

8141 - **MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES**

The Governing Board recognizes its responsibility to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the teaching profession under certain specific circumstances, shall be reported by the Superintendent (or Governing Board President if the Superintendent or Treasurer/CFO are determined to have engaged in such misconduct) to the Ohio Department of Education.

Definitions

"Licensed professional staff member" refers to Governing Board employees who hold an educator's license or certification with the Ohio Department of Education (ODE) (including the Treasurer/CFO and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), individuals holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those individuals who do not hold a valid educator's license but who are employed by the Governing Board under a Pupil Activity Program Permit.

The definition of "conduct unbecoming the teaching profession" is set forth in the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Governing Board and includes:

A. crimes or misconduct involving minors;

B. crimes or misconduct involving school children;

C. crimes or misconduct involving academic fraud;

D. crimes or misconduct involving the school community;

E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;

F. the violation of the terms and conditions of a consent agreement with the State Governing Board;

G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein;

H. a failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Governing Board.

Reporting Professional Misconduct

The Superintendent shall file a report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members, under any of the following circumstances:

A. When the Governing Board obtains knowledge that a licensed professional staff member has pled guilty, has been found guilty, or has been convicted, and/or subject to a judicial finding for intervention in lieu of conviction and/or participated in a pre-trial diversion program for a crime specified in R.C. 3319.31(B)(2) or R.C. 3319.39(B)(1), including but not limited to any felony, any misdemeanor sex offense, any offense of violence, any theft offense and any drug abuse offense that is not a minor misdemeanor.

B. When the Governing Board has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession.

C. When the professional staff member has resigned under threat of termination or non-renewal for any of the reasons set forth in paragraphs A and B above.

D. When the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

Misconduct by Superintendent or Treasurer/CFO

If the employee to whom any of the above conditions apply is either the Superintendent or Treasurer/CFO, the Governing Board President shall make the report required under this policy and in accordance with R.C. 3319.313.

Failure to File Report/Filing of False Report

The Governing Board acknowledges that if the Superintendent (or Governing Board President, where applicable) knowingly fails to file a required report of misconduct by a

licensed educator or cause a false report of misconduct by a licensed employee of the Governing Board to be filed, they shall be subject to criminal penalties under law. In addition, failure to file a required report shall subject the designated reporter to a potential denial, limitation, suspension, or revocation of the educator license of such designated reporter.

Investigation Reports Regarding Professional Misconduct

Reports of any investigation regarding whether or not a professional staff member has committed an act or offense for which the Superintendent or Governing Board President is required to make a report to the Ohio Department of Education, as set forth above, shall be kept in the personnel file of the professional staff member. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that professional staff member's license or permit, the report(s) of any investigation shall be moved to a separate public file.

Suspension from Duties Involving Care, Custody or Control of a Child

In accordance with Governing Board Policy 3138 and Governing Board Policy 4138, the Superintendent, Treasurer/CFO, or Governing Board (depending upon the position of the employee being charged) shall immediately suspend a licensed employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that person has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31(C).

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po8142

CRIMINAL HISTORY RECORD CHECK FOR CONTRACTED SCHOOL SERVICES

8142 - **CRIMINAL HISTORY RECORD CHECK FOR CONTRACTED SCHOOL SERVICES**

In accordance with State law, the Governing Board requires a criminal background check including information from the Bureau of Criminal Identification and Investigation ("BCII") and the Federal Bureau of Investigation ("FBI") of each person employed by a private company under contract with the Board to provide essential school services and who will work within the Educational Service Center ("Center") in a position which does not require a license issued by the State Board of Education, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody, or control of a child.

"Essential school services" is defined to mean services provided by a private company that the Board or Superintendent has determined are necessary for the operation of the Center and that would need to be provided by employees of the Center if the services were not provided by the private company. No such individual, employed by a private company to provide essential school services under a contract with the Board, shall be permitted to work within the Center unless one of the following applies to the individual:

A. The private company provides proof of either of the following to the Superintendent:

    1. that the individual has been the subject of a criminal records check in accordance with R.C. 3319.39 within the last five (5) years immediately prior to the date on which the person will begin working in the Center; and

2. that the criminal records check indicates that the individual has not been convicted of or pleaded guilty to any offense described in R.C. 3319.39(B)(1); or

B. During any period of time in which the individual will have routine interaction with a child or regular responsibility for the care, custody, or control of a child, the Superintendent has arranged for a Center employee to be present in the same room with a child or, if outdoors, within a thirty (30) yard radius of the child or to have visual contact with the child.

Enrollment in the State Rapback System

The Board will ensure that all employees and contractors whose work duties involve routine interaction with a child or who are regularly responsible for the care, custody, or control of a child are enrolled in the State Rapback System. Licensed employees are enrolled in Rapback by the State Board of Education's Office of Professional Conduct upon approval of their license. School bus and van drivers, and all other unlicensed employees and contractors who do not have a license or permit issued by the State Board of Education, are expected to complete the necessary steps to enroll in Rapback through the State Board as required by law. Employees and contractors may need to complete a new BCI background check at their expense upon initial enrollment in Rapback. Enrollment in Rapback is considered a mandatory condition of employment and is not optional.

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po8210

SCHOOL CALENDAR

8210 - **SCHOOL CALENDAR**

The Governing Board recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the ESC.

The Governing Board shall determine at least biannually the total number of hours when the schools will be in session for instructional purposes with students in attendance - including scheduled classes, supervised activities and approved education options for the upcoming school year(s). When recommending a school calendar to the Governing Board for its consideration and approval, the Superintendent shall analyze and address the appropriate factors.

At least thirty (30) days prior to adopting a school calendar, the Governing Board shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction. “School day” means the time during a calendar day that a school is open for instruction pursuant to the Governing Board-adopted schedule.

When establishing the school calendar, the Governing Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The observance shall be at least one (1) hour, or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period. The Governing Board will determine the specific activities that constitute the observance in each school in the ESC after consultation with the school administrators.

While the Superintendent may close schools due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, damage to a school building, utility failure rendering the school building unfit for school use, or inoperability of school buses or other equipment needed for school operations (collectively, “a calamity”), the schools nevertheless must be in session with students in attendance for at least the minimum number of hours required by Ohio law.

The Superintendent is authorized to develop and implement a plan for a virtual education delivery model in order to make up hours in that school year on which it is necessary to close school due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for use.

Each plan will be designed to ensure a continuity of learning for students during a school closure and will include the following:

A. a statement that the qualifying school, to the extent possible, will provide for teacher-directed synchronous learning in which the teacher and students are interacting in real-time on a virtual learning platform during the closure;

B. a description of the Center's attendance requirements, including how participation of students be tracked and documented and how the school will reach out to students to ensure engagement during a closure;

C. a description of how equitable access to quality instruction will be ensured, including for vulnerable populations such as students with disabilities and English Learners;

D. the process that the Center will use to notify staff, students, and parents that the school will be using online delivery of instruction;

E. information on how teachers may be contacted during the closure, including via email, telephone, and/or the Center’s designated online platforms;

F. a description of how the qualifying school will meet the technology-related needs of staff and students for online delivery of instruction.

The maximum number of hours that may be made up in this manner is the number of hours that are equivalent to three (3) school days.

The plan must be approved by the Governing Board by August 1st of each school year.

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po8300

CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Governing Board shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The Educational Service Center's ("Center") COOP shall be consistent with the Center's School Safety Emergency Management Plan (see Policy 8400 - School Safety). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event strengthens the Center's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the Center, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the Center’s critical operational/business functions and the learning environment as quickly as possible after a crisis/emergency/disaster or threat event occurs. The COOP shall include strategies aimed at resuming instruction and crucial business functions within two (2) days of the disruption, along with procedures to implement secure remote work and instruction in a crisis/emergency/disaster, identify alternative sites and technology redundancy, and provide incident response integration with the Center’s cybersecurity incident management protocols.

The Center will use the following process to achieve essential function resilience (i.e., business and learning continuity):

A. identify essential functions;

B. determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);

C. conduct risk assessments for each planning factor; and

D. identify and implement continuity options.

Because the COOP contains sensitive information, by law, it is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks, have increased the need for viable continuity capabilities and plans that enable the Center to resume and continue the essential functions in an all-hazards environment across a full spectrum of crises/emergencies/disasters. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall Center. Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the Center-wide COOP. The

site/department-specific COOPs are subject to annual submission to and review by the Superintendent.

The Center-wide plan describes how the Center will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and department plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event.

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the Center's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the Center. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to Center operations. The COOP outlines and coordinates all efforts by the Center, in cooperation with other local and State agencies and businesses, to restore the essential functions of the Center post-incident/event.

The Superintendent shall provide that all relevant staff receiveperiodic training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Governing Board review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws (i.e., O.R.C. 149.433), and accordingly, no copies shall be provided for public review.

The Superintendent shall conduct an annual review and update, as necessary, to the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety (which discusses the conduct of annual emergency management tests).

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po8305

INFORMATION SECURITY

8305 - **INFORMATION SECURITY**

The Educational Service Center ("Center") collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the Center. This data/information may be in hard copy or digital format and may be stored in the Center or off-site with a third party provider.

Data/Information collected by the Center shall be classified as Confidential, Controlled, or Published. The Superintendent shall define “Confidential,” “Controlled,” and “Published” in administrative guidelines and provide examples of data/information in each classification. Data/Information will be considered Controlled until identified otherwise.

Protecting Center Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone’s active participation to keep the Center’s data/information secure. This includes Governing Board members, staff members/employees, students, parents, contractors/vendors, and visitors who use Center Information & Technology Resources (as defined in Bylaw 0100). If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee’s immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.

Staff members and individuals associated with the Center through their affiliation with a Center contractor/vendor who are granted access to data/information collected and retained by the Center must follow established procedures so that the data/information

is protected and preserved. Board members, administrators, and all Center staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the Center are required to certify annually that they shall comply with the established information security protocols pertaining to Center data/information. Further, all persons granted access by the Center to Confidential Data/Information retained by the Center must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. For staff members, completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the Center Technology Resources on which it is stored. The Superintendent shall conduct an annual risk assessment related to the access and security of the Center's Data/Information. Further, the Center will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.

Center information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), Children's Online Privacy Protection Act ("COPPA"), Ohio Revised Code § 3319.321, and Ohio Revised Code § 1347.12 regarding data breaches.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them or how they apply to them, the individual should contact the Center's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of Center Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the Center's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the Center shall notify affected individuals and/or government officials in accordance with State and Federal law.

Cybersecurity incident" means any of the following:

A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;

B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;

C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services; or

D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:

1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or

2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

Cybersecurity Program

The Center's cybersecurity program shall be designed to safeguard the Center's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

A. Identify and address the critical functions and cybersecurity risks facing the Center.

B. Identify the potential impacts of a cybersecurity breach.

C. Specify mechanisms to detect potential threats and cybersecurity events.

D. Specify procedures for the Center to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.

E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident, and the maintenance of security after the incident.

F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each

employee.

It is the policy of the Board – if the Center is experiencing a ransomware incident - not to pay or otherwise comply with a ransom demand unless the Board formally adopts a resolution to approve such a payment or compliance with the ransom demand. If that occurs, the resolution will specifically state why the payment or compliance with the ransom demand is in the Center's best interest.

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the Center discovers the incident.

B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the Center discovers the incident.

Any records, documents, or reports related to the Center's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records under R.C. 149.43. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the Center, including the vendor name, product name, project name, or project description, is a security record under R.C. 149.433.

All staff members and contractors with access to Controlled and/or Confidential Data/Information must complete training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols.

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the Center will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party contractors/vendors (e.g., technology providers) who access Center Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the Center shall ensure appropriate security safeguards for education records and include both of the following:

A. a restriction on unauthorized access by the technology provider's employees or contractors; and

B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the Center at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. Contractors/Vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the Center. Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the Center’s Information & Technology Resources.

At least annually, the Superintendent shall conduct an assessment of risk related to the access to and security of the data/information collected and retained by the Center.

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po8310

PUBLIC RECORDS

8310 - **PUBLIC RECORDS**

The Governing Board is responsible for maintaining the public records of this Educational Service Center ("Center") and to make such records available to residents of Ohio for inspection and reproduction in strict adherence to the State's Public Records Act.

The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as 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 Center. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, educational support services data as defined by R.C. 3319.32, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43. No public records, including but not limited to personnel records, personnel files, staff directories, and student records, shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the student’s, parent’s or employee’s address.

The Center's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The Center's public records shall be promptly prepared and made available for inspection. A

reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the Center to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the Center to identify, retrieve, and review the record(s). If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for inspection or copies of public records such that the Center's Record Officer cannot reasonably identify what public records are being requested, the Center Record Officer or designee may deny the request but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Center and accessed in the ordinary course of business. The request for records need not be in writing. The requestor shall not be required to provide their identity or the intended use of the requested public record(s).

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or acknowledged by the Center promptly following the receipt of the request. If the request for records was in writing, the acknowledgment by the Center shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgment shall 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

The Superintendent is authorized to grant or refuse access to the records of this Center in accordance with the law. Any denial, in whole or in part, of a public records request 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, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the request for records was in writing, the explanation shall also be in writing.

A person may obtain copies of the Center's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the Center keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. 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 the said record as well as the costs for postage and the mailing supplies.

The number of records requested by a person that the Center will transmit by U.S. mail shall be limited to ten (10) per month, unless the person certifies, in writing to the Center, that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. "Commercial" shall be narrowly defined and does not include reporting or gathering news, reporting gathering information to assist citizen oversight or understanding of the operation or activities of the Center, or nonprofit educational research. (R.C. 149.43(B)(7))

Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is five cents ($0.05) per page.

There is no charge for documents e-mailed.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Center (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center). 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 Center are responsible for retaining e-mails that meet the definition of public records and copying them to their Center 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 Center. 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 Center's organization, functions, policies, decisions, procedures, operations, or other activities are not public records. Although private records do not fall under Policy 8310 or AG 8310A, they may fall under Policy 8315 - "Information Management" and/or AG 8315 - "Litigation Hold Procedure".

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of their duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of the Board member's official duties, from inspecting any record of this Center, except student records and certain confidential portions of personnel records.

A Center Records Commission shall be established consisting of the Board President, Treasurer/CFO, and Superintendent of Schools in accordance with law to judge the advisability of destroying Center records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. Administrative guidelines shall be developed to provide guidance to Center employees in responding to public records requests. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

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po8310A

PUBLIC RECORDS

8310A - **PUBLIC RECORDS**

The Educational Service Center's ("Center") public records are available for public inspection and/or copying in accordance with State law.

Designation of Officers

The Treasurer shall be the Center 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 Center.

"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 Center 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 requests to inspect and/or obtain copies of records are best made in person, telephone and written requests are permitted.

While the Center is responsible for promptly preparing and making available public records, State law does not require the Center to provide additional information that may be related to a record but is not part of a record. In addition, the Center 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 Center's public records:

A. Requests to inspect and/or obtain copies of public records shall be submitted to the Treasurer. A public records request must at least identify the records requested with sufficient clarity to allow the Center 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).

The Center may ask that the requester's identity and reason the information is sought be in writing. The Center, however, must first inform the requester that such disclosure is not mandatory unless the request is for student directory information. The Center must also inform the requester that providing such information in writing enhances the Center's ability to identify, locate, and/or deliver the records sought. The Center may ask that records requests be put in writing, but must also notify the requester that it is not mandatory to do so.

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 Center'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 acknowledgment 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 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 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 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 Center in the event that further information is needed by the Center 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 five cents ($.05) 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 Center (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center). 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 Center are responsible for retaining e-mails that meet the definition of public records and copying them to their Center 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 Center. 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 Center'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 Governing Board, the Superintendent, and the Treasurer/CFO serve as the Center 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 Center. The Commission will also review the Board's records retention schedule as 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 Center Records Commission is responsible for completing an "Application for One-time Disposal of Obsolete Records"

Form RC-1, and for developing the Center'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 Center's Records Commission review applications for the disposal of obsolete records. The Center 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 Center 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

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INFORMATION MANAGEMENT

8315 - **INFORMATION MANAGEMENT**

The Governing Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained, or otherwise stored by the Educational Service Center outside the "Records Retention Schedule" in 8310A. In such situations, a "Litigation Hold" procedure will be used to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the Educational Service Center will identify individuals in possession or custody of paper documents, ESI, and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule" in 8310A. The Educational Service Center will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the Educational Service Center, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements of AG 8310E. Failure to comply with a Litigation Hold notice may result in discipline, up to and including possible termination.

Instances where the Governing Board must maintain information outside the "Records Retention Schedule" in 8310A include:

A. when the Governing Board has specific information and/or written notice from a parent/guardian, student, or person representing the parent/guardian or student of an intent to file an appeal of student discipline to State court;

B. when the Governing Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;

C. when the Governing Board is served with litigation including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;

D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees, or agents at an administrative agency such as the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, Ohio Department of Education Office for Exceptional Children or Office of Professional Conduct, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees, or agents;

E. when the Governing Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, Ohio Department of Education Office for Exceptional Children or Office of Professional Conduct, State Personnel Board of Review, or a Civil Service Commission regarding a claim filed against the Board, its members, employees, or agents;

F. when the Governing Board receives written notification from a third party requesting that the Governing Board maintain information that could be at issue in litigation or potential litigation involving that third party;

G. when the Superintendent recommends the termination of an employee to the Governing Board pursuant to R.C. 3319.16 and R.C. 3319.081, R.C. Chapter 124, or a labor contract;

H. when the Governing Board explores, contemplates, or initiates litigation.

Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" means any type of information that is created, used, and stored in digital form and accessible by digital means. It includes all data, digital documents or files, or other information contained on any media type (e.g., tape, hard disk drive, cloud storage, or some yet to be created storage technology). Specifically, it includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. Examples include: e-mails and their attachments, text and instant messages, communications conducted in ephemeral messaging applications or in workplace collaboration tools, word processing documents, spreadsheets, digital photographs/pictures, videos, application programs and data files, data/information stored in databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, digital scans (including TIFF files), PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voicemails, phone/call logs, faxes, internet/browser histories, caches, cookies, or logs of activity on computer systems (whether internal to the Educational Service Center or external) that may have been used to process or store electronic data. ESI also includes data/information from cloud applications (e.g., educational or operational apps/services), electronic records of online activity (e.g., social media postings), and data generated or stored by devices connected to the Internet of Things (IoT).

"Electronic media" includes, but is not limited to, computer hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, microfilm, backup tapes, cassette tapes, cartridges, etc.) accessed, used, and/or stored on/in/through the following locations: networks and servers, whether internal or external (including the cloud); laptop and desktop work computers; home and personal computers; other computer systems; databases; backup computers or servers, whether internal or external (including cloud storage);

archives; mobile devices (e.g., mobile/cellular phones and tablet computers, personal digital assistants ("PDAs" - including Palm, Blackberry), etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media also includes social media websites (e.g., Facebook, Twitter, LinkedIn) and any item containing or maintaining ESI that is obtained by the Educational Service Center for Governing Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Governing Board member or employee) from the date this policy was first adopted into the future.

Initiation and Removal of a "Litigation Hold"

The Governing Board or the Superintendent may initiate a "Litigation Hold" under this policy. If the Superintendent initiates a "Litigation Hold," the Superintendent or the Governing Board's legal counsel will notify the Governing Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Governing Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Governing Board's legal counsel shall be involved in the implementation of the "Litigation Hold Procedure."

A "Litigation Hold" shall remain in place until removed/withdrawn by the Governing Board. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" in 8310A once the "Litigation Hold" is removed/withdrawn.

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PERSONNEL FILES

8320 - **PERSONNEL FILES**

It is necessary for the orderly operation of the school ESC to prepare a personal information system for the retention of appropriate papers bearing upon an employee's duties and responsibilities to the ESC and the ESC's responsibilities to the employee.

The Governing Board of Education requires that sufficient records exist to insure an employee's qualifications for the job held, compliance with federal, state and local benefit programs, conformance with ESC rules and evidence of completed evaluations. Such records will be kept in compliance with the Ohio Revised Code.

The Governing Board delegates the maintenance of an employee personal information system to the Superintendent and/or Treasurer.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Employees asked to supply information for a personnel file shall be informed whether the requested information is legally required. If it is not, the employee may decline to supply the information.

Only that information that pertains to the professional role of the employee may be placed in an employee's official record file by duly authorized Governing Board personnel.

A copy of each such entry shall be given to the employee upon request.

A copying cost will be charged for each copy given to the employee at the employee's request at the rate determined by the Treasurer. The employee shall have access to the employee's file upon request.

Personnel records are predominantly public records and to that extent must be made available for inspection and copying in accordance with State and Federal laws pertaining to same. In accordance with the Federal Privacy Act and case law, the Governing Board shall refrain from disclosing an employee's social security number when releasing personnel records. Further, if an employee presents information to the ESC a valid confidentiality program authorization issued by the Secretary of State certifying that the employee is a participant in the Safe at Home/Address Confidentiality Program, the Governing Board shall refrain from including the employee's actual/confidential residential address in any personnel records, personnel files, or staff directories (including electronic records and files) or disclosing the employee's actual/confidential residential address when releasing personnel records. The Governing Board shall only list the address designated by the Secretary of State to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Governing Board shall use the employee's designated address for any and all communications and correspondence between the Governing Board and the employee. The employee's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. Additionally, if applicable, the employee's school, institution of higher education, business, or other place of employment (as specified on an application to be a program participant or on a notice of change of name or address) shall be maintained in a confidential manner. The intentional disclosure of an employee's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

Personnel records shall be monitored regularly to assure compliance with this policy and the law. Records deemed no longer accurate, relevant or necessary under this policy may be submitted to the ESC Records Commission for disposal in accordance with law.

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PERSONAL INFORMATION SYSTEMS

8320.01 - **PERSONAL INFORMATION SYSTEMS**

The Governing Board maintains a personal information ("PI") system and shall do so in accordance with the provisions of R.C. Chapter 1347. The Governing Board is committed to only collecting, maintaining, and using the personal information that is necessary and relevant to it carrying out the effective operation of the ESC. All personal information maintained in the PI system shall be used in a lawful manner for legitimate purposes consistent with the functions of the ESC.

Personal information is defined as "any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person."

The Superintendent is directly responsible for the operation of the PI system, including preparing and implementing rules that provide for the operation of the information system. All employees responsible for collecting, maintaining, and/or utilizing personal information maintained in the PI system shall be provided a copy of any rules that are promulgated and trained in how to comply with them and the provisions of the law.

The Governing Board shall discipline any employee or student who engages in the unauthorized use or release of the personal information contained in the PI system. In addition, the Governing Board shall discipline any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the PI system. Disciplinary action shall be taken consistent with applicable laws and regulations and may include action up to and including termination.

Whenever a person is requested to supply personal information that shall be maintained in the PI system, the person shall be informed whether s/he is legally required to provide the personal information. If the person is not legally required to provide the personal information, s/he may refuse to supply the information and no adverse consequences shall be imposed as a result of the refusal.

The Governing Board shall take reasonable precautions to protect personal information maintained in the information system from unauthorized modification, destruction, use, or disclosure. The Governing Board shall eliminate personal information from the PI system when it is no longer necessary and relevant to the ESC carrying out its functions.

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STUDENT RECORDS

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Governing Board shall collect, retain, and use information about individual students. Simultaneously, the Governing Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the ESC reasonably believes knows the identity of the student to whom the education record relates.

The Governing Board is responsible for the records of all students who attend or have attended schools in this ESC. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the ESC or specifically permitted by this Governing Board shall be compiled by Governing Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Governing Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Governing Board. The Governing Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

A. persons or companies with whom the Governing Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and

B. contractors, consultants, volunteers, or other parties to whom the Governing Board has outsourced a service or function otherwise performed by the Governing Board employees (e.g., a therapist, authorized information technology (IT) staff, and approved online educational service providers)

The above-identified outside parties shall (a) perform institutional services or functions for which the Governing Board would otherwise use its employees, (b) be under the

direct control of the Governing Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing the school official's tasks (including volunteers) is also considered a “school official” for purposes of FERPA provided the parent or student meets the above-referenced criteria applicable to other outside parties.

“Legitimate educational interest” is defined as a “direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the ESC” or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student’s family. The Governing Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Governing Board authorizes the administration to:

A. forward student records, including academic records, student assessment date, and disciplinary records (including records pertaining to suspensions and expulsions), upon request to a private or public school or ESC in which a student of this ESC is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, or alternatively send written notice to the requesting school if there is no record of the student's attendance. Records will be released upon condition that:

    1. a reasonable attempt is made to notify the student’s parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; there is no record of the student having attended school in the Center, or the Governing Board’s annual notification includes a

notice that the Governing Board shall forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);

2. within five (5) school days after receiving the request, either the student records shall be transmitted or a written notice will be provided if there is no record of the student's attendance;

3. except as when expressly prohibited by law, the Center is authorized to withhold grades and credits to enforce payment of outstanding fees and charges, and further, may withhold all of a student's school records if there is $2,500 or more of outstanding debt attributed to the student, and will only release the records once the debt has been paid;

4. the parent or eligible student, upon request, receives a copy of the record; and

5. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;

B. forward student records, including disciplinary records (including records pertaining to suspensions and expulsions), upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;

C. forward student records, including disciplinary records (including records pertaining to suspensions and expulsions), upon request to a public school or school ESC in which a student in foster care is enrolled and such records shall be transferred within one (1) school day of the enrolling school's request.

D. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an

articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

E. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

F. release de-identified records and information in accordance with Federal regulations;

G. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the ESC for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception shall be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study and shall be destroyed when no longer needed for the study. In order to release information under this provision, the ESC shall enter into a written agreement with the recipient organization that specifies the purpose of the study. Further, the following personally identifiable information shall not be disclosed to any entity: a student or the student's family member's social security number(s); religion; political party affiliation; voting history; or biometric information. Information regarding a student's race or ethnicity shall be disclosed only if required by state or federal law.

This written agreement shall include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information shall be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information; or race or ethnicity unless required by state or federal law) is

allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

H. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities;

The disclosed records shall be used to audit or evaluate a federal or State-supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception.

This written agreement shall include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information shall be destroyed; and (6) a statement of policies and procedures that shall protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the ESC shall use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the ESC shall verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The ESC shall also ascertain the legitimacy of the audit or evaluation and shall only disclose the specific records that the authorized representative needs. Further, the ESC shall require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the ESC shall verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

I. request each person or party requesting access to a student's record to abide by Federal regulations and applicable laws and regulations concerning the disclosure of information.

The Governing Board shall comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records shall receive explanation and interpretation of the records.

The Governing Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records shall indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or the student's parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except to those persons or parties stipulated by the Governing Board's policy and/or those specified in the law.

DIRECTORY INFORMATION

Each year, the Superintendent shall provide public notice to students and their parents of the ESC's intent to make available, upon request, certain information known as directory information. The Governing Board designates as student directory information: a student's name; address; telephone number; date and place of birth; major field of study; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; and/or awards received.

The Governing Board designates school-assigned e-mail accounts as directory information for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books.

School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the ESC's Education Technology.

Directory information shall not be provided to any organization for profit-making purposes.

Parents and eligible students may refuse to allow the Governing Board to disclose any or all of such directory information upon written notification to the Governing Board within five (5) business days after receipt of the Superintendent's annual public notice.

In accordance with Federal and State law, the Governing Board shall release the names, addresses, ESC-assigned e-mail addresses (if available), and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, ESC-assigned e-mail address (if available), and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces. The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of directory

information, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Governing Board may disclose directory information, of former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Governing 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).

INSPECTION OF INFORMATION COLLECTION INSTRUMENT

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student's or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student shall submit a written request to the building principal/principal at least ten (10) business days before the scheduled date of the activity. The instrument shall be provided to the parent or eligible student within five (5) business days of the principal/program manager receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

A. college or other postsecondary education recruitment, or military recruitment;

B. book clubs, magazine, and programs providing access to low-cost literary products;

C. curriculum and instructional materials used by elementary and secondary schools;

D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. the sale by students of products or services to raise funds for school-related or education-related activities; and/or

F. student recognition programs.

The Superintendent is directed to take steps so that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's education records;

B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;

C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;

D. challenge Governing Board noncompliance with a parent's request to amend the records through a hearing;

E. file a complaint with the United States Department of Education; and/or

F. obtain a copy of the Governing Board's policy on student records.

The Superintendent shall also develop procedural guidance for:

A. the proper storage and retention of records including a list of the type and location of records; and

B. informing Governing Board employees of the applicable laws and regulations concerning student records.

The Governing Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Governing Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity shall comply with all FERPA regulations. Further, such an entity shall enter into a written contract with the Governing Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity shall demonstrate the existence of a sound data security plan or data stewardship program and shall also provide assurances that the personally identifiable information shall not be redisclosed without prior authorization from the Governing Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Governing Board.

SAFE AT HOME/ADDRESS CONFIDENTIALITY PROGRAM

If a parent (or adult student) presents to the ESC a valid program authorization card issued by the Secretary of State certifying that the parent (or adult student), the parent's child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program, the Governing Board shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records and files) or disclosing the student's actual/confidential residential address when releasing student records. Since student records are available to non-custodial parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations as permitted by law (including the public in some situations), the Governing Board shall only list the address designated by the Secretary of State to serve as the student's address in any student records or files, including electronic records and files. Further, the Governing Board shall use the student's designated address for any and all communications and correspondence between the Governing Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose.

Although the student's actual/confidential address will not be available for release as directory information, the parent (or adult student) may also request that the student's

name and telephone number be withheld from any release of directory information. Additionally, if applicable, the student's parent's school, institution of higher education, business, or place of employment (as specified on an application to be a program participant or on a notice of change of name or address) shall be maintained in a confidential manner.

If a non-custodial parent presents a subpoena or court order stating that the non-custodial parent should be provided with copies or access to a student's records, the ESC will redact the student's confidential address and telephone number from the student's records before complying with the order or subpoena. The ESC will also notify the custodial/residential parent of the release of student records in accordance with the order or subpoena.

The intentional disclosure of a student's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

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po8350

CONFIDENTIALITY

8350 - **CONFIDENTIALITY**

State and Federal law requires that student education records be maintained as confidential. See Policy 8330. State law further exempts certain information and records from public disclosure. See Policy 8310. As such, the Governing Board is obligated to take appropriate steps to maintain certain information and records as confidential. Individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the district intact. Confidential information and records may not be disclosed except as authorized by Board policy and administrative guidelines. Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the Center and they are prohibited from releasing, disclosing or otherwise disseminating confidential information or records subsequent to leaving the Board's employ. The Board directs the Superintendent to prepare guidelines concerning Board employees' duties to maintain certain information and records as confidential.

It is further the policy of the Governing Board that when the Center receives in trust from a public agency information identified as confidential (whether such information is confidential by Ohio Law, Common Law Privilege, Case Law, or Federal Law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

The following portion of this policy applies **only** to identified confidential information received from a public agency.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the request for release of such information prior to complying with the request.

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po8351

SECURITY BREACH OF CONFIDENTIAL DATABASES

8351 - **SECURITY BREACH OF CONFIDENTIAL DATABASES**

It is the policy of the Governing Board that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the ESC on a database, the ESC shall take appropriate action to assess the risk and notify the affected individuals in accordance with law.

Scope

This policy applies to any security breach involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the ESC and handling personal information on the ESC's behalf. It is expected that those offices, individuals or entities operating, maintaining, and using databases containing personal information shall effectively control access to the databases to protect against unauthorized access, acquisition, modification, use or disclosure of personal information.

Security Breach and Personal Information – Definitions

A "security breach" means the unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by the ESC and that:

A. causes a material risk of identity theft or other fraud to the person or property of a resident of the State;

B. reasonably is believed to have caused a material risk of identity theft or other fraud to the person or property of a resident of the State; or

C. reasonably is believed shall cause a material risk of identity theft or other fraud to the person or property of a resident of the State.

Unauthorized access of information shall not be considered a security breach if:

A. the employee or agent acted in good faith in accessing the data;

B. the access was related to the activities of the ESC or the employee's or agent's job-related duties; and

C. the employee or agent did not use the personal information for an unlawful purpose or subject the information to further unauthorized disclosure.

Also, the acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant subpoena, order or duty of a regulatory State agency, shall not be considered a security breach.

For purposes of this policy, personal information means an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any of or more of the following (when the information is not encrypted, redacted, or altered by a method or technology in such a manner that the information is effectively obscured or unreadable):

A. Social Security number;

B. driver's license number or State identification card number; and/or

C. account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

Discovery of Security Breach and Notification

If an employee suspects, discovers and/or determines that a security breach has occurred, the employee shall promptly notify his/her immediate supervisor and the Superintendent, in writing.

The Superintendent shall determine and implement the steps necessary to correct the unauthorized access and requirements for notifying those individuals whose personal information may have been compromised.

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po8390

ANIMALS ON DISTRICT PROPERTY

8390 - **ANIMALS ON DISTRICT PROPERTY**

Introduction

The Governing Board recognizes that there are many occasions when animals are present on Educational Service Center property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy applies to all animals on Educational Service Center property, including service animals.

Definitions

A. **"Animal":** includes any living creature that is not a human being.

B. **"Service animal"**: pursuant to 28 C.F.R. Section 36.104, "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 individual'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."

The Americans with Disabilities Act (ADA) also defines 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 of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

Vaccination, Licensing and/or Veterinary Requirements

Animals, including service animals, housed on or brought on to Educational Service Center property on a regular basis must meet every veterinary requirement set forth in State law and County regulation/ordinance including, but not limited to, rabies vaccination or other inoculations required to be properly licensed.

Service Animals for Students

The student’s need for and use of the service animal must be documented in the student’s individual education plan (IEP) or Section 504 Plan.

A service animal is the personal property of the student and/or parents. The Governing Board does not assume responsibility for training, daily care, or healthcare or supervision of service animals. The Governing Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Educational Service Center property or at Educational Service Center-sponsored events.

A service animal that meets the definition set forth in the ADA and this policy shall be under the control of its handler. 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), or under the control of a handler other than the student.

Required Documentation

The following documentation is required prior to a service animal being allowed at school or other Governing Board property:

A. Current IEP or Section 504 Plan that includes a provision regarding the use of a service animal.

B. Current satisfactory health certificate or report of examination from a veterinarian for the service animal as required by this policy for all animals that are regularly present on Educational Service Center property.

C. Criminal background check for the handler, if the handler is not the student, in the same manner as required of vendors, individuals, or other entities under contract with the Board by Policy 8142 - Criminal History Record Check for Contracted School Services.

The Director is responsible for determining whether the required documentation has been provided for the student's service animal. When the required documentation has been provided, the service animal will be permitted to accompany the student with a disability anywhere on the school campus where students are permitted to be.

Removing and/or Excluding a Student's Service Animal

In instances when a service animal has demonstrated that it is not under the control of the student or its handler, the Director is also responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

In instances when the service animal demonstrates that it is not sufficiently housebroken, the Director shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Director shall notify the Superintendent when a service animal is removed and/or excluded and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Director's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures.

The procedures set forth in AG 2260B – Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access are not intended to interfere with the rights of a student and their parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights.

Eligibility of a Student's Service Animal for Transportation

In some cases, as identified on the student's IEP or Section 504 Plan, there may be a need for a student with a disability and their accompanying service dog to access School District transportation. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.

Before a service animal is permitted to ride on a school bus or other Board-owned or leased vehicle, the student and the student's parents, or eligible student, and the handler, if the handler is someone other than the student, shall comply with the following:

A. The Principal shall meet with the student and the student's parents, or eligible student, and the handler, if the handler is someone other than the student, and the driver and bus assistant, if any. The student and the student's parents, or eligible student, and the handler, if the handler is someone other than the student, is responsible for providing information to the driver and bus assistant, if any, regarding critical commands needed for daily interaction and emergency/evacuation.

B. The Director shall make arrangements for the student and the student's parents, or eligible student, and the handler, if the handler is someone other than the student, to provide an orientation for students who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

C. The service animal must participate in bus evacuation drills with the student.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet. A representative of the Transportation Office will meet with the student and his/her parents, or eligible student, and the handler, if the handler is someone other than the student, to determine whether the service animal should be secured on the bus/vehicle with a tether or harness.

Situations that would cause cessation of transportation privileges for the service animal include:

A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or

B. the service animal urinates or defecates on the bus.

The student and the student's parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Principal.

Although transportation may be suspended for the service animal, it remains the Educational Service Center's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. As required of all animals under this policy, an employee with a disability who utilizes a service animal as an accommodation must provide a current satisfactory health certificate or report of examination from a veterinarian for the animal.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the Educational Service Center's facilities where members of the public, as participants in services, programs, or activities as vendors or invitees, are permitted to go. Individuals who will access any area of the Educational Service Center’s facilities with their service animals should notify the Director that their service animal will accompany them during their visit.

As required of all animals under this policy, an individual with a disability who has a service animal will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the Educational Service Center’s facilities on a regular basis.

An individual with a disability who attends a school event will be permitted to be accompanied by their service animal in accordance with Policy 9160 - Public Attendance at School Events. If the individual with a disability will attend a regularly scheduled series of events with their service animal, the individual with disabilities will

be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy.

Non-Service Animals in Schools and Elsewhere on Educational Service Center Property

Animals permitted in schools and elsewhere on Educational Service Center property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Director may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

A. the staff member seeking approval to have a non-service animal in their classroom shall:

1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;

2. take precautions deemed necessary to protect the health and safety of students and other staff;

3. provide that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and

4. keep the surrounding areas in a clean and sanitary condition at all times;

B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

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po8400

SCHOOL SAFETY

8400 - **SCHOOL SAFETY**

The Board of Education is committed to maintaining a safe and drug-free environment in all of the District's schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of District personnel, law enforcement agencies, and families. The Board further believes that all school employees (including administrators, professional staff, and support staff) and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

Emergency Management Plan (EMP)

To that end, the Superintendent shall develop and adopt a comprehensive Emergency Management Plan ("EMP") for each building in the District. The EMP shall be submitted on standard forms developed and made available by the Ohio Department of Public Safety (ODPS). In developing the EMP for each building, the Superintendent shall involve community law enforcement and safety officials (including, but not limited to, law enforcement, fire, emergency medical personnel, mental health providers, local health departments, school safety and security contacts, and any local divisions having county-wide emergency management), parents/guardians of students who are assigned to the building, and teachers and nonteaching employees assigned to the building (hereinafter, collectively referred to as "stakeholders"). Each EMP shall contain the name, title (if applicable), contact information, and signature of each stakeholder (i.e., person involved in the development of the EMP); the signature shall affirm the stakeholder was offered the opportunity to provide feedback (it does not mean or require that the stakeholder approve the EMP).

In developing the EMP, the Superintendent shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety. The Superintendent shall further propose operating changes to promote the prevention of potentially dangerous problems and circumstances. The Superintendent shall incorporate remediation strategies into the EMP for any building where documented safety problems have occurred.

The EMP for each school building shall include a protocol that addresses student use of cellular telephones during an active threat or emergency.

Each EMP will consist of six (6) parts:

A. The emergency operations plan shall consist of a single document to address all hazards that may negatively impact the school; including but not limited to, active shooter, hostage, bomb threat, act of terrorism, infectious diseases or pandemic, severe weather, bullying, threats of violence or threats to life, and any other natural, technological, or human-caused events that the Superintendent knew or should have reasonably known about that compromise the health or safety of students, employees, administrators, or property. The document will include:

    1. a hazard identification and risk analysis (i.e., a process to identify hazards and assess the vulnerability associated with each);

    2. an all-hazards emergency operations plan organized around five (5) mission areas: prevention, protection, mitigation, response, and recovery;

       The plan shall be consistent with the National Incident Management System (NIMS) principles.

    3. the access and functional needs of the students, teachers, and staff;

4. education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual;

5. procedures for notifying law enforcement, fire, EMS, emergency management, mental health providers, public health officials, and other outside experts who could assist in responding to and recovering from an emergency;

6. a threat assessment plan developed as prescribed by Ohio Revised Code Section 5502.263, including a protocol for school threat assessment teams established pursuant to Ohio Revised Code Section 3313.669;

   The plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan. The areas of improvement identified in the emergency management test and actual emergencies at the school buildings will be a source for lessons learned.

7. the use of temporary door-locking devices as permitted by and in accordance with law (i.e., they must be approved by the Principal and noted on the certificate of occupance for the school building, which is subject to the criteria set forth in O.A.C. 4501:5-1-01(B)(1)(d)).

B. A floor plan unique to each floor of the building.

C. A site plan that includes all building property and surrounding property.

D. An emergency contact information sheet.

E. Stakeholder signatures.

F. Proof of completion of an approved threat assessment training program for each member of the building's threat assessment team.

The Superintendent shall submit an electronic copy of each building's EMP to the Director of Public Safety not less than once every three (3) years, whenever a major

modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. The Superintendent shall also file a copy of the current, updated EMP with the following:

A. each law enforcement agency that has jurisdiction over the school building; and

B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the building is located.

The Superintendent will also file copies of updated EMPs with the Director of Public Safety and the above agencies within ten (10) calendar days after adoption of the revised EMPs.

The District's EMPs are security records and not public records. The Superintendent shall keep a copy of the District's EMPs in a secure location.

The Superintendent shall annually review the District's previously developed and adopted EMPs and certify that the plan, emergency contact information sheet, floor plan, and site plan are current and accurate. The certification shall be completed through the School Safety Plan Portal between January 1 and July 1 of each year.

The Superintendent shall prepare and conduct at least one (1) emergency management test each year during the three (3) year annual review cycle, in accordance with rules adopted pursuant to Ohio Revised Code Section 5502.262(F). The Emergency Management tests must meet the following requirements: (1) be a scheduled event at least two (2) of the years; one (1) actual emergency may be used during the three (3) year plan cycle if an after-action report is produced with the involvement of stakeholders (i.e., at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider and public health official); (2) the type of test shall be a tabletop, functional or full-scale, as defined in O.A.C. 4501:5-1, and each type shall be

used once every three (3) years; and (3) the test must include at least one (1) hazard from the hazard analysis identified in the emergency operations plan and at least one (1) functional content area. The test should include at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider and public health official.

Students may participate in the emergency management test at the discretion of the Principal. In deciding whether, and to what extent, to involve students in an emergency management test, the Superintendent and Principal should consider what benefit student inclusion in the emergency management test may have on the student population's preparation for an emergency and to enhance the safety of students in the building. The Principal should also consider age-appropriate participation, guidance, trauma-informed best practice, and training in preparation for students' participation in the test.

Parental consent is required prior to student participation in the emergency management test.

The Superintendent shall submit an after-action report to the Department of Public Safety no later than thirty (30) days after the emergency management test documenting the following: 1) date/time/weather/length of exercise; 2) the type of discussion/operations based exercise; 3) the scenario utilized; 4) the hazard(s) utilized (including providing safety data sheets, as appropriate); 5) the functional content area(s) utilized; and 6) identification of at least three (3) strengths and at least three (3) improvement areas of the EMP discovered as a result of the emergency management test. The after-action report shall be submitted on standardized forms developed and made available by the Department of Public Safety.

The Superintendent shall grant access to each school building in the District to law enforcement personnel and any local fire department, emergency medical service organization, and/or county emergency management agency that has requested a copy of the EMP, to enable such personnel and entities to conduct training sessions for responding to threats and emergency events affecting the school building. Such access

shall be provided outside of student instructional hours and the Superintendent shall be present in the building during the training sessions.

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent/legal guardian of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety. Any student that enrolls in the school after the annual notification, along with their parent/legal guardian, shall be provided with the requisite notification upon enrollment. Also, see Policy 8420 - Emergency Situations at Schools.

The Center shall include the 988 Suicide and Crisis Lifeline telephone number on all of the following (if provided or used by the school):

A. Student identification cards;

B. Planners issued to students; and

C. Any electronic portal administered by the Center or school that may be accessed by students.

Threat Assessment

Behavioral threat assessment is a fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations. The threat assessment process shall be embedded within a comprehensive multitiered system of supports (MTSS) that involves interdisciplinary, collaborative partnerships focusing on prevention. The District will use a behavioral threat assessment model, including threat assessment teams, to address in a proactive manner the prevention of targeted violence by identifying areas of concern, gathering information, assessing the likelihood of violence, initiating appropriate interventions and violence mitigation strategies and

provide ongoing evaluation to increase positive outcomes for individuals and enhance overall school safety. The aim of the process is to emphasize the provision of interventions and supports, and not just punishment. Ultimately, the primary purpose of a threat assessment is to address concerning behavior (including prohibited behaviors), respond to concerning communications, and minimize the risk of targeted violence at school.

As dictated by the Safety and Violence Education Students (SAVE Students) Act, the District will use a multidisciplinary decision-making process to conduct threat assessments and develop and implement interventions for students whose behavior indicates they may pose a risk of harm to the school community and/or themselves (see Policy 5350 - Student Health, Well-Being, and Suicide Prevention). Specifically, the Board directs the Superintendent to create a threat assessment team for each school building in the District serving grades six (6) through twelve (12). Each team shall be multidisciplinary, when possible; the Director will ordinarily serve as the team's leader and the team may include school administrators, mental health professionals (e.g., school psychologists, school counselors, social workers), school resource officers (where appropriate), and other relevant personnel (e.g., instructional staff). Each member of a threat assessment team is required to complete an approved threat assessment training program upon appointment and once every three (3) years thereafter. As noted above, the District shall include proof of completion of the approved training by each team member in the EMPs and annual certifications submitted to the Director of Public Safety. Per State law, threat assessment team members are not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a team member's execution of duties related to school safety unless the team member's act or omission constitutes willful or wanton misconduct.

The Ohio School Safety Center (OSSC), which is part of the Ohio Department of Public Safety, has developed the Ohio School Behavioral Threat Assessment Model Policy and Protocol: A Guide for School Personnel and Law Enforcement. This protocol, or an alternative evidence-based behavioral threat assessment model, shall serve as the foundation of the District's efforts to identify students of concern so that their behaviors can be mitigated to the point that they no longer pose a threat.

The following individuals may be subject to a behavioral threat assessment:

A. Students: current, former, and prospective

B. Employees: current, former, and prospective

C. Parents/guardians of students/non-custodial parents or relatives

D. Persons who are (or have been) in a relationship with faculty, staff, or students

E. Contractors, vendors, or other visitors

F. Unaffiliated persons

Research shows that individuals who plan to commit violent acts against schools often share their plans with someone. Consequently, the District

has registered with the SaferOH tip line operated by the Department of Public Safety to facilitate the receipt of anonymous reports of concerning behavior and/or communications.

The Superintendent shall comply with all reporting requirements set forth in R.C. 3313.669 related to the District's participation in the SaferOH tip line.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Team will meet when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of self-harm or violence to others. If an inquiry indicates that there is a risk of self-harm or violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat.

The Board authorizes the Superintendent to create guidelines for the purpose of:

A. identifying team participants by position and role;

B. requiring team participants to undergo appropriate training;

C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment, including the threshold for law enforcement;

D. establishing assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews;

E. stating when and how parents/guardians of the student making the threat shall be notified and involved;

F. designating the individuals (by position) who are responsible for gathering and investigating information;

G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation;

H. identifying risk management options (e.g., interventions and supports, and the imposition of disciplinary consequences, as appropriate) to enact once an assessment is complete, including creating an individualized management plan to mitigate identified risks;

I. creating and promoting a safe school climate built on a culture of safety, respect, trust, and emotional support, and one that encourages communication and empowers students to share their concerns;

J. providing training for all stakeholders, including school personnel, students, parents, and law enforcement (as applicable).

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 - Student Records, and State and Federal law.

Safe and Drug-Free Schools

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing Safe and Drug-Free Schools):

A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

B. security procedures at school and while students are on the way to and from school;

C. prevention activities that are designed to maintain safe, disciplined, and drug-free environments;

D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:

1. allows a teacher to communicate effectively to all students in the class;

2. allows all students in the class the opportunity to learn;

3. has consequences that are fair, and developmentally appropriate;

4. considers the student and the circumstances of the situation; and

5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education and Workforce

will then use this data to determine whether or not a school is considered persistently dangerous as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in AG 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

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EMERGENCY SITUATIONS AT SCHOOLS

8420 - **EMERGENCY SITUATIONS AT SCHOOLS**

The Governing Board is committed to providing a safe learning and work environment. Unfortunately, emergency situations do occur. Such emergencies are best met by preparedness and planning.

The Governing Board directs that a system of emergency preparedness be developed that addresses the following goals and/or objectives:

A. the health and safety of students and staff are safeguarded

B. the time necessary for instructional purposes is not unduly diverted

C. minimum disruption to the educational program occurs

D. students are helped to learn self-reliance and trained to respond sensibly to emergency situations

All threats to the safety of Educational Service Center facilities shall be identified by appropriate personnel and responded to promptly in accordance with the applicable Emergency Management Plan (EMP).

The Governing Board also directs that fire, tornado, and school safety drills be conducted during the school year in accordance with State law.

Fire drills or rapid dismissals shall be conducted no less than six (6) times a school year at the times and frequency prescribed by the State Fire Marshal with the first emergency evacuation 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. Tornado drills shall be conducted at least once a month during the tornado season (i.e., from April 1 to July 31) when school is in session. Times and frequencies of drills must be varied.

In conjunction with fire drills or rapid dismissals, the Director shall instruct students on safety precautions to be taken in the case of a tornado alert or warning and shall designate appropriate locations to be used to shelter students in case of a tornado, tornado alert, or warning.

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 of 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. The Director shall file a copy of any required fire drill records with the State Fire Marshall and, as applicable, the firefighting agency having jurisdiction to conduct inspections of the school building.

Procedures shall be developed for the handling of all emergency evacuations.

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PANDEMICS AND OTHER MEDICAL EMERGENCIES

8420.01 - **PANDEMICS AND OTHER MEDICAL EMERGENCIES**

A pandemic is an outbreak of an infectious disease. The Governing Board permits the Superintendent to set up a Pandemic Response Team to develop a Pandemic Plan in coordination with local government and law enforcement officials pursuant to applicable laws.

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po8442

REPORTING ACCIDENTS

8442 - **REPORTING ACCIDENTS**

The Governing Board directs that all reasonable efforts be made to provide a safe learning and working environment for the students and employees of this ESC.

To that end, and so that an employee's legitimate claims for worker's compensation may be expedited, the Governing Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, employee of the Governing Board, or a visitor to the schools shall be reported promptly and in writing to the ESC business office. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Governing Board who suffers a job-related injury shall report the injury and its circumstances via the electronic reporting process and to the ESC principal or job supervisor, as appropriate, immediately or within 24 hours following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action. Any employee of the Governing Board who suffers a job-related injury may file a claim with the Bureau of Workers Compensation as provided in Governing Board Policy 8442.01.

If a staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be

disqualified for compensation and benefits under the Workers Compensation Act. If the staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption).

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WORKERS' COMPENSATION

8442.01 - **WORKERS' COMPENSATION**

The Ohio Bureau of Workers' Compensation ("BWC") provides insurance coverage to employees for work-related injuries sustained in the course of and arising out of employment and diseases contracted in the course of employment. It also provides benefits to employees' dependents in those cases of death suffered in the course of and arising out of employment. To that end, if an employee sustains a workplace injury or contracts an occupational disease, s/he may be eligible to receive compensation and benefits under the Workers' Compensation Act for loss sustained on account of an injury or illness.

A. Reporting a Work-Related Injury

1. A Governing Board employee who sustains a work-related injury shall report the injury and its circumstances via the electronic reporting process and to the ESC principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. A First Report of Injury, Occupational Disease or Death application ("First Report of Injury" or "FROI-1") shall be automatically completed when using the electronic process and an accident investigation shall be conducted within twenty-four (24) hours if possible. The failure of an employee to comply with this requirement may result in disciplinary action (see Governing Board Policy 8442).

2. In addition to reporting the injury and completing an incident/accident report, the employee may file an application for benefits with the BWC. The Superintendent's designee shall provide assistance to an employee in filing a workers' compensation claim.

3. Payment for related medical benefits is the responsibility of the Governing Board's Managed Care Organization (MCO) and the BWC. If

the employee is written a prescription for the injury, the employee must contact the Human Resources Department prior to filling the prescription to ensure the cost is covered. If an employee pays out of pocket for a prescription, the full cost of that prescription may not be reimbursed by BWC.

B. Leave Status

1. If an employee sustains a work-related injury and is unable to perform the functions of his/her position, s/he may file a workers' compensation claim in order to receive compensation and benefits through the BWC. Competent medical proof of disability shall be completed by the attending physician using the proper form and affixing his/her original signature. The injury or illness shall be determined to be compensable by the BWC, or in the case of dispute, the Ohio Industrial Commission. In no event shall compensation commence before all initial paperwork is completed and filed with the appropriate agency(ies).

    a. An employee may apply for an unpaid leave of absence pending approval of his/her workers' compensation claim and file for Temporary Total with BWC

    b. An employee may claim sick time during a work-related injury or illness. Please note the use of sick time disqualifies the employee from claiming Temporary Total pay from BWC. s/he may apply for the use of sick leave.

    c. An employee may use any available paid vacation if applicable, to receive compensation while out on a work-related injury or illness.

2. An employee may be simultaneously placed on leave under the Family and Medical Leave Act during his/her leave of absence as a result of a work-related injury or illness in accordance with Governing Board policy.

C. The Governing Board reserves the right to have the employee examined by a physician of its choice at the Governing Board's cost to confirm the medical diagnosis and/or the period of disability. Failure to submit to examination shall result in termination of wage continuation benefits.

An employee who obtains compensation from the BWC by knowingly misrepresenting or concealing facts, making false statements, or accepting compensation to which s/he is not entitled, is subject to felony criminal prosecution for fraud (see R.C. 2913.48).

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po8450

CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

8450 - **CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

The Governing Board recognizes that control of the spread of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient ESC operation.

For purposes of this policy, "casual-contact communicable disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Ohio Department of Public Health.

In order to protect the health and safety of the students, ESC personnel, and the community at large, the Governing Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling communicable disease spread through normal interaction in the school setting.

On the recommendation of a Governing Board-appointed physician or the school nurse, the teacher may remove from the classroom and the principal/program manager may exclude from the building or isolate in the school any student who appears to be ill or has been exposed to a communicable disease, except that the teacher or principal/program manager may act independently if neither the physician or school nurse is not present in the building when the decision needs to be made.

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po8450.01

PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC

8450.01 – **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC**

It is the policy of the Governing Board to mandate that all school staff, students, volunteers, and guests must wear face coverings as required by law. This face covering policy is established because of the importance of face masks in slowing the spread of COVID-19 and after considering all the available science. Recognizing that available scientific information, local needs, and laws may change at any moment, the Governing Board authorizes the Superintendent to unilaterally review and adjust the instant face covering policy in consultation with the appropriate officials. At no time, shall this policy require a standard that is less than required by law.

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po8462

STUDENT ABUSE AND NEGLECT

8462 - **STUDENT ABUSE AND NEGLECT**

The Governing Board is concerned with the physical and mental well-being of the students of this Educational Service Center ("Center") and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with their position, knows or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or local law enforcement agency. Such reporting is required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

Each Principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent. Board officials and employees must report suspected abuse to a public children's services or local law enforcement agency, even when the suspected abuser is another official or employee.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6, and also will provide developmentally appropriate instruction in child sexual abuse prevention to all students in grades K-6. Instruction for students in grades seven (7) through twelve (12) will include developmentally appropriate instruction in sexual violence prevention education. The parents/guardians of students who receive instruction related to dating violence prevention and sexual violence prevention will be notified that it is required curriculum, that they may examine the instructional materials upon request, and that a student may be excused from the instruction at the parent's/guardian's written request.

In addition, the Superintendent shall provide a program of in-service education for all nurses, teachers, counselors, school psychologists, mental health providers, and administrators who work in the Center's elementary, middle, and high schools and any other personnel that the Board determines appropriate. The in-service education program will include school safety; violence prevention, including human trafficking content; youth suicide awareness and prevention; prevention of child abuse, child sexual abuse, substance abuse; promotion of positive youth development; and a review of Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior.

The Board shall adopt or develop curriculum in consultation with public or private agencies or persons involved with youth suicide awareness and prevention and child sexual abuse prevention or child sexual violence prevention.

The in-service education provided to middle and high school employees shall include training in the prevention of dating violence.

All newly-employed mental health providers, nurses, teachers, counselors, school psychologists, and administrators who work in the Center's elementary, middle, and high schools shall complete at least four (4) hours of in-service training within two (2) years of the date of employment.

Additional training must occur every two (2) years thereafter for suicide awareness and prevention, and every five (5) years thereafter for school safety, violence prevention, prevention of child abuse, prevention of substance abuse, and promotion of positive youth development.

The Center shall be registered with the SaferOH tip line operated by the Department of Public Safety or shall enter into an agreement with an anonymous reporting program selected by the Board that meets the requirements set forth in law (R.C. 3313.6610).

The Center shall submit data to the Ohio Department of Education and Workforce ("DEW"), in a manner prescribed by the Department, and to the Department of Public Safety at the end of the first full school year of the Center's participation in the anonymous reporting program, and at the end of each school year thereafter, disaggregated by the school.

The data shall be considered records and are not public records under R.C. 149.433.

The Superintendent will promote and inform students about the selected program and its reporting methods.

A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.

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po8600.04

BUS DRIVER CERTIFICATION

8600.04 - **BUS DRIVER CERTIFICATION**

It is the policy of the Governing Board that all bus drivers obtain and hold proper certification under standards for school bus drivers established within the Ohio Revised Code. It is also the purpose of this Governing Board to protect its students from drivers whose certification is invalidated by the Ohio Point Law or point standards of this Educational Service Center.

A copy of each new school bus driver's complete driving record must be obtained from the Ohio Department of Education and Workforce ("DEW") prior to allowing the school bus driver to operate a school bus or school vehicle 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 DEW to determine that such drivers have:

A. no more than six (6) points within the last twenty-four (24) month period;

B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past ten (10) years (i.e., not been convicted of a violation of R.C. 4511.19) or a substantially equivalent municipal offense;

C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01(II) during the last twenty-four (24) month period:

1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;

2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 4511.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;

3. violation of a law of this State or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;

4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;

5. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

6. violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those

sections, or any substantially similar law of another state or political subdivision of another state;

7. violation while operating a commercial motor vehicle of a law of the state, any municipal ordinance, any county or township resolution, or any substantially similar law of another state or political subdivision of another state which prohibits texting while driving or using a handheld mobile device (except when a person is texting or using a mobile device to contact law enforcement or other emergency services);

8. violation of any other law of this State or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule.

D. no railroad crossing violations during the last twelve (12) months (as evidenced by a conviction, video, or report by a railroad official); and

E. not received any violations that render the bus driver uninsurable by the ESC's Fleet Insurance Carrier.

The records obtained from the annual records check will be maintained for a minimum of ten (10) years.

A driver having any of the above-referenced violations will be disqualified from operating a bus. The driver will also be notified that the driver's school bus certification will be reviewed by the Superintendent and the driver's employment as a school bus driver may be terminated.

A driver involved in a preventable school bus accident, or judged guilty of a minor traffic violation, shall be subject to the disciplinary action. Further, no driver who is convicted of a traffic violation or has their commercial driver's license (CDL) suspended will be permitted to operate a school bus or school vehicle 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 Governing Board-owned vehicle or a private vehicle or during school or non-school hours. Failure to file the required written notice of conviction or suspension will result in the revocation of the driver's certificate and/or disciplinary action, up to and including termination.

If a school bus driver has an interruption in driving a school bus or school vehicle for a period of one (1) year or longer, the school bus driver will not be permitted to resume operating a school bus or school vehicle until a copy of the school bus driver's complete driving record has been obtained.

In addition to the required driving record check, the administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus or school vehicle driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees). An updated, satisfactory criminal background check report shall be obtained for each school bus driver every six (6) years with driver re certification. Each six (6) year criminal records check request shall be made to the Superintendent of the Bureau of Criminal Identification and Investigation and include both a BCII and FBI report unless both of the following conditions apply so that only records of the FBI are required:

A. a BCII report was obtained at the time of hire; and

B. the employee presents proof that the employee has been a resident of this state for the five (5) year period immediately prior to the date the recertification is requested.

Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall also be maintained for a minimum of six (6) years (see Policy 4121 for criminal history record check requirements). Any driver who has been convicted of or pleaded guilty to any disqualifying offense shall not be hired or shall be released from employment unless the person meets the rehabilitation standards prescribed for non-licensed ESC employees.

No bus driver will be permitted to drive a school bus or school vehicle unless the bus driver meets all other requirements contained in the rules adopted by the DEW 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 vehicle unless:

A. information pertaining to the bus driver has been submitted to the DEW, including the name of the Board, name of the bus driver, driver's license number, date of birth, date of hire, status of physical evaluation, and status of training; and

B. the most recent criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.

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po8650

TRANSPORTATION BY VEHICLES OTHER THAN SCHOOL BUSES

8650 - **TRANSPORTATION BY VEHICLES OTHER THAN SCHOOL BUSES**

The Governing Board shall provide transportation to students via Board owned and operated school vehicles other than school buses (hereinafter, "school vehicles") when the use of school buses is not reasonable. School vehicles shall only be used for the transportation of nine (9) or fewer passengers, not including the driver, in accordance with the original design and construction of the vehicle. Students shall not be transported in larger passenger vehicles (e.g., non-conforming extended van-type vehicles) carrying ten (10) passengers or more (particularly twelve (12) to fifteen (15) passenger vans).

Similar to school buses, school vehicles shall be purchased, housed, and maintained by the Board for the transportation of resident students between their home areas and the schools of the Center to which the students are assigned or to their nonpublic or community schools. However, such use shall generally be limited to preschool children, special needs children, children inaccessible to school buses, students placed in alternative schools, and children enrolled in nonpublic or community schools in certain circumstances. School vehicles may also be used to transport students to and from field trips and/or other Board-approved school-related activities.

The Board authorizes the use of a 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:

A. the number of students in the vehicle does not exceed nine (9);

B. the Center regularly transports students to a chartered nonpublic or community school;

C. the driver has a valid driver's license, is accustomed to driving the vehicle, and meets statutory and administrative requirements for a motor van driver (with the exception of having a commercial driver's license);

D. the driver may not stop on the roadway to load or unload passengers;

E. 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.

Individuals who meet statutory requirements to drive a school bus are qualified to drive school vehicles. Vehicles will be inspected not less than two (2) times each year by a qualified mechanic who will determine whether the vehicle is safe to transport students.

Students who are transported by school vehicle are expected to conduct themselves in the same manner required of students transported by school bus and shall be subject to all applicable disciplinary rules.

All school vehicle drivers employed by the Board shall complete the required Ohio School Van Driver training program prior to transporting students, meet all other qualification requirements, and comply with the Ohio Pupil Transportation and Safety Rules and applicable Board policies and guidelines relative to student transportation. No individual shall be employed as a school vehicle driver if the individual has not received a certificate certifying that the driver is at least twenty-one (21) years of age with a minimum of two (2) years of driving experience, and is qualified physically and otherwise (O.A.C. 3301-83-06(F)) for the position. Only authorized Board employees or contractors employed by an agency that provides services to the Board may operate and transport students via school vehicle. Vehicle drivers do not need a commercial driver's license.

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po8660

TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE

8660 - **TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE**

No employee of this Governing Board shall use their private vehicle to transport students of the ESC, except in emergency situations. In such situations, an employee's personal automobile liability insurance shall provide primary coverage in the event of an accident.

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po8740

BONDING

8740 - **BONDING**

The Governing Board recognizes that prudent trusteeship of the resources of this ESC dictate that the Superintendent, Treasurer, and all ESC employees responsible for the safekeeping of ESC monies and property, and the fiscal agent(s) for entities, programs, partnerships, scholarships, coalitions, and the like be bonded and/or alternatively be covered by an insurance policy issued by a Governing Board-approved and accredited insurance carrier or joint self-insurance pool.

An insurance policy must cover the Governing Board from losses caused by the fraudulent or dishonest actions of and the failure to perform a duty prescribed by law of the employee. Coverage must be equal to or greater than the amount required by the Governing Board for a surety bond.

The ESC shall be indemnified against loss of money and property by bonding of employees holding the positions and in the amounts determined by the Governing Board and/or by providing adequate coverage through issuance of an insurance policy.

All other employees handling money shall be covered under a blanket bond and/or insurance policy to an amount determined by the Governing Board. The Governing Board shall bear the cost of insuring or bonding each employee required to be covered by this policy.

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po8900

ANTI-FRAUD

8900 - **ANTI-FRAUD**

The Governing Board expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The ESC shall not tolerate such activities and shall investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary.

Scope

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the ESC.

Policy

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the ESC shall be responsible for reporting any observed or suspected fraud or fraudulent activity to his/her immediate supervisor. If the employee's immediate supervisor is not available, responsive, or is the employee whose behavior is in question, the employee may report such information to the Superintendent. If the reported conduct relates to the Superintendent, the report may then be filed directly with the Governing Board President.

All administrators shall attempt to investigate and verify any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the ESC's Whistleblower's Policies.

In addition to or instead of filing a written report with the supervisor or other ESC authority, the employee may file a report using the Auditor of State's system for reporting fraud in accordance with Ohio law.

Notification

The ESC shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee at the time of his/her employment. Each new employee shall confirm receipt of such information within thirty (30) days of beginning employment.

Fraud – Definitions

"Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her legal injury. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Governing Board employee member or official, or any office or Department of the ESC.

The following are examples of prohibited acts:

A. falsification of any ESC record (particularly financial records) with the intent to conceal information to the ESC's detriment or the individual's advantage;

B. forgery of a check, bank draft, wire transfer, or any other ESC financial document;

C. unauthorized alteration of a financial document or account belonging to the ESC;

D. misappropriation of funds, supplies, or other assets of the ESC;

E. impropriety in handling or reporting money or financial transactions;

F. disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly);

G. asking for or accepting anything of material value from contractors, vendors, or persons providing services or materials to the ESC, except as provided in gift policies;

H. unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly); and

I. misuse of State or Federal funds for other than their designated purposes.

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is prohibited.

Confidentiality

The ESC shall maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Public Records Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other ESC employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged may harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity shall not be subject to any retaliation as a result of bringing the suspected misconduct forward. They shall be subject to protection of the ESC's Whistleblower's Governing Board Policy 1411 (see also Governing Board Policy 3211 and Governing Board Policy 4211).

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po9130

PUBLIC COMPLAINTS

9130 - **PUBLIC COMPLAINTS**

Any person or group, having a legitimate interest in the operations of this ESC shall have the right to present a request, suggestion, or complaint concerning ESC personnel, the program, or the operations of the ESC. At the same time, the Governing Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Governing Board to rectify any misunderstandings between the public and the ESC by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Governing Board, Governing Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

Matters Regarding a Professional Staff Member

A. **First Level**

If it is a matter specifically directed toward a professional staff member, the matter shall be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the Superintendent.

B. **Second Level**

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

C. **Third Level**

If a satisfactory solution is not achieved by discussion with the staff member's supervisor, a written request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;

2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Governing Board shall be advised of the resolution.

Matters Regarding an Administrative Staff Member

Since administrators are considered members of the ESC's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

Matters Regarding the Superintendent or Treasurer/CFO

Should the matter be a concern regarding the Superintendent or Treasurer/CFO which cannot be resolved through discussion with the Superintendent or Treasurer/CFO, the complainant may submit a written request to the Governing Board President for a conference with the Governing Board. This request shall include:

A. the specific nature of the complaint and a brief statement of the facts giving rise to it;

B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

C. the reason that the matter was not able to be resolved with the Superintendent or Treasurer/CFO;

D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Governing Board, after reviewing the request, may grant a meeting before the Governing Board, or a committee of the Governing Board, or refer the matter, if permitted by applicable laws and regulations, to an executive session.

The complainant shall be advised, in writing, of the Governing Board's decision.

Matters Regarding a Classified Staff Member

In the case of a classified staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member."

Matters Regarding ESC Services or Operations

If the request, suggestion, or complaint relates to a matter of ESC procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of ESC program, it should be addressed, initially, to the Superintendent and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding Instructional Materials

The Superintendent shall provide notice addressing students' and parents' rights to be adequately informed each year regarding their ability to inspect instructional materials and the procedure for completing such an inspection.

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the ESC, the following procedure shall be followed:

A. The criticism is to be addressed to the program manager, in writing, and shall include:

1. author;

2. title;

3. publisher;

4. the complainant's familiarity with the material objected to;

5. sections objected to, by page and item;

6. reasons for objection.

B. Upon receipt of the information, the program manager shall, after advising the Superintendent of the complaint, and upon the Superintendent's approval, the Superintendent may appoint a review committee which may consist of one (1) or more professional staff members and one (1) or more lay persons knowledgeable in the area.

C. The committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used;

2. the accuracy of the material;

3. the objectivity of the material; and

4. the use being made of the material.

D. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.

E. The committee's recommendation shall be reported to the Superintendent in writing within thirty (30) calendar days following the formation of the committee. The Superintendent shall advise the complainant, in writing, of the committee's recommendation and advise the Governing Board of the action taken or recommended.

F. The complainant may appeal this decision, within thirty (30) calendar days, to the Governing Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Governing Board.

G. The Governing Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) calendar days.

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po9140.01

GOVERNING BOARD POLICY REVIEW COMMITTEE

9140.01 - **GOVERNING BOARD POLICY REVIEW COMMITTEE**

The Superintendent shall establish a "Governing Board Policy Review Committee" which shall meet at least quarterly during the school year to review Governing Board bylaws and policies.

The Governing Board Policy Review Committee shall consist of the following individuals:

A. Superintendent and/or designee,

B. Treasurer/CFO (as needed),

C. Legal counsel (as needed),

D. NEOLA consultant (as needed).

Ohio Valley Educational Services Center

po9141

BUSINESS ADVISORY COUNCIL

9141 - **BUSINESS ADVISORY COUNCIL**

Purpose and Management

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 shall affect jobs. They can play a role in ESC curriculum development and help create new opportunities for students, such as work-based learning experiences.

The Governing Board recognizes the increasing importance to the nation's productivity and future well-being of its citizens that students enter the labor market with employable skills and attitudes.

The Governing Board and ESC staff also recognize that the necessary educational effort involves close cooperation among interested parties and that decisions regarding the curriculum should not be made without appropriate input from those affected by the educational results.

In order to obtain more effective assistance from groups particularly affected by student entry-level skills and potential employers, the Governing Board shall establish and appoint a Business Advisory Council ("BAC") to serve as a continuing advisory group to the Governing Board and administration, as well as participating school districts, pursuant to R.C. 3313.82, R.C. 3313.821, and applicable laws.

The BAC shall advise and provide recommendations to the ESC on matters specified by the ESC including, but not necessarily limited to, advising the ESC on changes in the economy and job market and the area in which future jobs are most likely to be available; advocating for the employment skills most critical to business and industry and the development of curriculum to teach these skills; aiding and supporting the ESC by offering suggestions for developing a working relationship among businesses, labor organizations and educators; identify new and emerging careers; offering recommendations on needed knowledge, skills and competencies; advocating for effective curriculum; offering work-based learning opportunities; and making recommendations on the facilities and equipment needed to teach work-based skills.

The Governing Board has entered into an agreement with affiliated school districts so that the BAC shall represent businesses of the participating school districts.

For those school districts with whom the ESC has entered into an agreement under R.C. 3313.843 and/or R.C. 3313.845 to receive any services from the ESC, the ESC is willing and able to serve as the school district's business advisory council and represent the business of the school district provided that a joint agreement is entered into between the school district and ESC appointing the BAC to serve as the school district's business advisory council under the terms and conditions agreed upon by the school district and ESC.

For those joint vocational school districts and/or cooperative education school districts that are not required to appoint their own business advisory councils as a matter of law, the ESC is willing and able to allow such school districts to participate in the BAC to the extent permitted by law and agreed upon by and between the joint vocational/cooperative education school district and the ESC.

The BAC shall operate in accordance with the standards established by the Superintendent of Public Instruction, in consultation with the Governor's Executive Workforce Board.

Regular updates from the BAC shall be reviewed by the Governing Board.

As a public body of the ESC, the BAC shall comply with all applicable provisions of the Ohio Open Meetings Act and Ohio Public Records Act.

The BAC shall be composed of five (5) members. The ESC Superintendent shall serve as the BAC Chairman.

The ESC Superintendent shall appoint the BAC members and the ESC's contact representative. BAC membership should be representative of the ESC, be available to attend meetings and participate in council activities and have a sincere interest in making a positive contribution to ESC/BAC ventures.

BAC 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 ESC Governing Board (at least one member);

G. ESC leadership teams; and

H. Participating school district leadership teams.

The BAC shall document its practices in a written description of how the BAC shall 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. BAC meeting schedules;

E. process the council shall use to provide public notice of all meetings;

F. process for taking and recording minutes of each BAC meeting;

G. procedures for appointment of BAC subcommittees, if applicable;

H. parliamentary procedure to be practiced during BAC meetings;

I. process for reporting to the Governing Board on a quarterly basis; and

J. schedule for review and revision of description of operations of the BAC.

This description outlines the BAC's purpose and guides its management by defining the BAC'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 BAC is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ESC.

BAC Activity

The ESC Superintendent, working with the members of the BAC, 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 BAC.

Frequency of Meetings

The BAC shall meet with the ESC at least quarterly.

BAC Plan

The BAC and ESC shall develop a plan specifying matters upon which the BAC shall advise and make recommendations to the ESC. The plan shall be revised and updated

annually. The plan shall be filed with the Ohio Department of Education each year.

At minimum, the plan shall address how the BAC shall 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; and

C. developing a working relationship among business, labor, and education personnel.

The BAC may consider incorporating these elements into their plans:

A. The schedule of required joint meetings of the ESC and BAC for the year. The BAC shall meet with the ESC at least quarterly).

B. A schedule, as determined appropriate, of additional meetings of the BAC or of BAC 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 shall 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 BAC 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 ESC 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 may also include other career exploration activities or training for ESC employees on career counseling strategies.

6. Promoting student commitment to being drug free. This may 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 may 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 may 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 may include any of the following:

    a. reviewing curriculum materials for technical content accuracy;

    b. identifying knowledge or skill competency levels and performance standards in both technical and academic courses;

    c. helping the ESC obtain instructional materials;

    d. identifying employability skills;

    e. donating or otherwise helping the ESC 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; and

j. offering recommendations to implement career pathways.

9. Engaging educators: This may include activities that provide teachers and other ESC personnel with information and experiences relative to the businesses in the community. It may 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 shall be most in demand. Activities may 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; and

5. using OhioMeansJobs K-12 to show in-demand jobs both throughout Ohio and in the local community.

G. Fostering collaboration, beyond the BAC, among business, labor and education personnel. Activities may include:

1. broadly engaging local businesses to support the community's education system and participate in activities specified in the plan; and

2. soliciting input from businesses on the work of the BAC.

Submitting a Joint Statement

The BAC and ESC shall file a joint statement, not later than the first day of March of each school year. This joint statement should report progress on work they outlined in the BAC plan for that year, summarize actions taken and actions pending, and specify how the BAC and ESC have fulfilled their respective responsibilities under the law.

At a minimum, the joint statement should reference:

A. meetings conducted by the BAC;

B. the BAC's plan and implementation progress;

C. brief summaries of specific activities the BAC conducted;

D. the nature of the BAC's advice and recommendations, if any, on needed employment skills and curriculum development to instill those skills;

E. The nature of the BAC'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 BAC's advice and suggestions, if any, for developing working relationships among businesses, labor organizations, and educational personnel.

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Ohio Valley Educational Service Center

po9150

ESC VISITORS

9150 - **ESC VISITORS**

The Governing Board welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The Superintendent or principal/program manager has the authority to prohibit the entry of any person to a school of this ESC or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal/program manager is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Except as set forth in ESC policy or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

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po9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The Governing Board welcomes and encourages members of the community to attend athletic and other public events held by the schools in the Educational Service Center. Due to the need to maintain order and preserve the facilities of the Educational Service Center during the conduct of such events, the Governing Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. The Center may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

For all school-affiliated events where admission is charged, cash shall be accepted as a method of payment. If concessions are offered, there will be at least one (1) concession stand that will accept cash. If concessions are sold on multiple floors, then at least one (1) location on each floor will accept cash. The cost of admission for school-affiliated events shall not vary based on payment method, except that the Center may charge a processing fee for any ticket purchased online or by credit card. The cost of admission for a student enrolled in any school participating in the school-affiliated event shall be less than the cost of admission for an adult at the same event. Persons who receive cash at designated collection points will deposit the cash with the Treasurer/CFO on the next business day of receipt in accordance with Policy 6600.

No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed at any function sponsored by the Educational Service Center or at any function occurring on Governing Board property.

Smoking and/or the use of tobacco and/or tobacco substitute products is prohibited at any time within any enclosed facility owned or leased or contracted for by the

Governing Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, or tobacco substitutes, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco or nicotine (including synthetic nicotine), in addition to papers used to roll cigarettes, and/or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, and any other smoking devices for burning tobacco or any other substances (See Policy 7434).

Such prohibition also applies to school grounds and any school-related event.

The Governing Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Educational Service Center. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Educational Service Center, the audience shall be advised before the performance begins that audio and/or video recordings that shall be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Governing Board authorizes the Superintendent to establish rules and procedures governing the use of non-Educational Service Center audio/visual recording equipment at any Educational Service Center-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event, shall obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events shall contain the following statement:

“In accordance with State and Federal law, the Educational Service Center shall provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify the Superintendent's Office if they require a reasonable accommodation.”

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po9410

NEWS MEDIA AND NEWS MEDIA REPRESENTATIVE RELATIONS, INTERACTIONS, AND ACCESS

9410 - **News Media and News Media Representative Relations, Interactions, and Access**

A. **Overview and General Protocols**

1. The Ohio Valley Educational Services Center is renowned as a premier educational service center and has a reputation for providing an excellent system of public education. The Ohio Valley Educational Services Center enjoys strong relationships with our students, parents/guardians, community members, and stakeholders. Since we provide an excellent system of public education, the news media is frequently interested in the Ohio Valley Educational Services Center. All Governing Board members and employees shall have the responsibility to be open and responsive to news media information requests within the protocols established and outlined in this Policy because the news media is among the many ways our students, parents/guardians, community members, and stakeholders build their individual perceptions of the Ohio Valley Educational Services Center.

2. "News Media" Defined: For the purpose of this Policy, "news media" shall only include print news media (newspapers and newsmagazines) and broadcast news media (radio and television) that encompass all of the following three "media integrity" qualities: (a) independence from private and/or political interests, (b) transparency about its own financial interests, and (c) commitment to well-established journalism ethics and standards. Simply having a social media account and/or page, website, hyperlocal platform, online newspaper, online newsmagazine, blog, podcast, and/or other means to disseminate information over the Internet and/or other electronic, wireless, and/or optical networking technologies shall not constitute "news media" for the purpose of this Policy. If an organization believes that it should constitute "news media"

under this Policy, the organization may submit a formal request to the Superintendent explaining why the organization believes that it should be considered "news media" under this Policy. The determination as to whether an entity constitutes "news media" shall be determined solely by the Superintendent. The decision of the Superintendent shall be final.

3. "News Media Representative" Defined: For the purpose of this Policy, a "news media representative" shall only include those individuals (e.g., reporters, editors working as reporters, producers, video camera operators, still photographers, etc.) directly employed by the news media organization requesting "Ohio Valley Educational Services Center News Media Credentials" on behalf of the employed individual. For the purpose of this Policy, a "news media representative" shall not constitute a freelancer and/or a self-employed person offering services to one or more clients and/or businesses at a time. If any news media organization believes that a specific individual should be considered its "news media representative" under this Policy, the news media organization may submit a formal request to the Superintendent explaining why the specific individual should be considered its "news media representative" under this Policy including, but not limited to, the steps the news media organization has taken and shall continue to take to ensure that the specific individual meets the "Ohio Valley Educational Services Center News Media Credentials" eligibility requirements and responsibilities as well as the protocols established and outlined in this Policy. The determination as to whether any person constitutes a "news media representative" shall be determined solely by the Superintendent. The decision of the Superintendent shall be final.

4. Positive relationships with the news media are developed and maintained by providing accurate, comprehensive, and complete information to news media representatives in a timely manner. Whenever contacted by news media representatives, the same courtesy and professionalism we extend to all of our students, parents/guardians, community members, and stakeholders shall be extended toward the news media representatives.

5. To ensure that information provided to the news media is accurate, comprehensive, and complete and to ensure that news media representatives have appropriate access to the best sources of information as determined by the Superintendent or designee, protocols

for providing information to the news media are established and outlined in this Policy.

6. To assist the news media in obtaining accurate, comprehensive, and complete information, news media representatives are encouraged to make public record requests to the Treasurer/CFO pursuant to R.C. 149.43 and Governing Board Policy 8130 (Public Records) so the Treasurer/CFO may provide appropriate responses to news media representatives.

7. All Governing Board members and employees shall notify the Superintendent or designee whenever they are contacted by any news media representative for any reasons, including public record requests, and shall comply with the protocols established and outlined in this Policy. If any inquiry or request made by a news media representative is sensitive and/or significant, the Governing Board member or employee shall immediately notify the Superintendent directly.

8. If any Governing Board member or employee feels that there has been a misquote and/or misrepresentation made by any news media representative, that Governing Board member or employee shall immediately contact the Superintendent or designee so an attempt can be made to provide the news media representative with (a) accurate, comprehensive, and complete information and (b) the opportunity to retract, clarify, and/or correct any misquotes and/or misrepresentations.

9. No Governing Board member or employee shall ever release information and/or documentation which are private and/or confidential as identified by local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board. If any Governing Board member or employee believes that private and/or confidential information and/or documentation has been released, that Governing Board member or employee shall immediately contact the Superintendent or designee.

10. The protocols established and outlined in this Policy shall apply to both the Communications & Public Relations Office and Communications & Public Relations Coordinator. The Superintendent has the authority to place greater protocols upon both the Communications & Public

Relations Office and Communications & Public Relations Coordinator provided those protocols are consistent with the protocols established and outlined in this Policy.

11. No Governing Board member or employee shall – in any manner – repost, share, redistribute, and/or repurpose any "news media" source as defined in this Policy, "news media representative" source as defined in this Policy, "parent organization" source as defined in Governing Board Policy 9210, and/or "district support organization" source as defined in Governing Board Policy 9211 to any social media account owned, operating, and/or relating to the Ohio Valley Educational Services Center and/or its Governing Board, schools, departments, and/or activities without (a) the prior written approval of the Superintendent or designee; (b) without properly crediting the appropriate news media, new media representative, parent organization, and/or district support organization source; and (c) without violating copyrights under local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, Governing Board Policies 2531 (Copyrighted Works) and 7540.02 (District Web Page). The decision of the Superintendent shall be final.

12. No Governing Board member or employee shall ever – in any manner – repost, share, redistribute, and/or repurpose any non-news media, non-news media representative, non-parent organization, and/or non-district support organization source to any social media account owned, operating, and/or relating to the Ohio Valley Educational Services Center and/or its Governing Board, schools, departments, and/or activities. If a Governing Board member or employee believes that a non-news media, non-news media representative, non-parent organization, or non-district support organization source contains a topic of interest to the Ohio Valley Educational Services Center, that Governing Board member or employee shall contact the Superintendent or designee and a determination shall be made by the Superintendent or designee regarding whether to incorporate such a topic in a source created and distributed by the Ohio Valley Educational Services Center itself. This process allows the Ohio Valley Educational Services Center to take steps to avoid violating copyrights under local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, Governing Board Policies 2531 (Copyrighted Works) and 7540.02 (ESC Web Page). This process also allows the Ohio Valley Educational Services Center to take steps to protect its own copyrights under local, state,

and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, Governing Board Policies 1231.01 (Research and Publishing), 2531 (Copyrighted Works), 3231.01 (Research and Publishing), and 7540.02 (ESC Web Page). The decision of the Superintendent shall be final.

13. No Governing Board member or employee shall ever – in any manner – like or comment upon any source as the Ohio Valley Educational Services Center and/or its Governing Board, schools, departments, and/or activities without the prior written approval of the Superintendent or designee. The decision of the Superintendent shall be final.

14. A news media representative who violates any applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, this Policy, shall have his/her "Ohio Valley Educational Services Center News Media Credentials" permanently revoked. The decision to permanently revoke "Ohio Valley Educational Services Center News Media Credentials" rests solely with the Superintendent. The decision of the Superintendent shall be final.

15. Nothing in this Policy is intended as a restraint on the rights of students, parents/guardians, community members, and/or stakeholders to have any interaction with and/or access to schools, events, parents/guardians, students, and Governing Board employees in accordance with local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, Governing Board Policies 8105 (Civility Policy), 8310 (Public Records), 9150 (School Visitors), and 9160 (Public Attendance at School Events).

B. **News Media Spokesperson**

1. The Superintendent shall serve as the primary news media spokesperson for the Ohio Valley Educational Services Center and the Governing Board. The Superintendent may designate news media spokesperson duties and responsibilities to administrators with regard to areas relating to their respective administrative positions and assignments. The Superintendent may also designate news media spokesperson duties and responsibilities to the Communications & Public Relations Coordinator. Any designation of news media spokesperson duties and responsibilities may be

withdrawn by the Superintendent at any time and without any prior notice. The decision of the Superintendent shall be final.

2. All Governing Board members shall refer all news media matters to the Superintendent or designee in accordance with this Policy. As set forth in Bylaw 0148, the Governing Board President functions as the official spokesperson for the Governing Board for all matters that have been memorialized pursuant to one or more resolutions of the Governing Board. While it is understood that individual Governing Board members may, from time-to-time, make public statements on education matters to local, state, and/or federal news media and/or public officials; all individual Governing Board members shall, when writing or speaking on education matters to news media representatives, make it abundantly clear that the views of the individual Governing Board member do not necessarily reflect the views of the Governing Board or his/her colleagues.

C. **Governing Board Employee Responsibilities**

1. Each program manager is authorized to keep parents/guardians and students informed about a school's programs, events, and activities in accordance with local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board.

2. News media releases that are of concern to only one school, or to an organization of only one school, are the responsibility of the building principal/program manager and may only be released after coordination with the Communications & Public Relations Office and upon prior written approval of the Superintendent or designee.

3. Publicity regarding students shall always be evaluated in terms of the effect on the students and may only be released after coordination with the Communications & Public Relations Office and upon prior written approval of the Superintendent or designee.

4. All Governing Board employees shall direct any and all news media representatives with inquiries and requests to the Office of the Superintendent. No Governing Board employee shall tell any news media representative that he/she is not allowed to talk to the news media or

that he/she has to get permission to do so. Instead, all Governing Board employees shall simply tell news media representatives that: "The Ohio Valley Educational Services Center policy is to refer all news media inquiries to the Office of the Superintendent. You can reach the Office of the Superintendent at 740-439-3558 and the regular Central office hours are Monday through Friday from 8:00 a.m. to 4:00 p.m." All Governing Board employees must respond quickly, courteously, and professionally to all news media inquiries and requests as news media representatives have deadlines to meet. Responding to news media representatives quickly, courteously, and professionally is important because the way a Governing Board employee responds to new media inquiries and requests may be the news media representative's first impression of the Ohio Valley Educational Services Center and that first impression may end up in the published story and/or broadcasted news segment.

5. After having been given prior approval by the Superintendent or designee, a Governing Board employee may only respond to news media inquiries and/or requests in a manner that is accurate, factual, and on a subject related to the employee's area of knowledge, experience, and expertise.

6. If the Governing Board employee is not able to respond to news media inquiries and/or requests in a manner that is accurate, factual, and on a subject related to the employee's area of knowledge, experience, and expertise; the Governing Board employee shall direct any and all news media representatives to the Office of the Superintendent consistent with the protocols established and outlined in this Policy.

7. Nothing in this Policy is intended as a restraint on the expression of personal opinion by any Governing Board employee as permitted by local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board. Nonetheless, every Governing Board employee is individually responsible for fully understanding any and all of the laws, rules, regulations, and policies that legally limit the Governing Board employee's expression of personal opinion. To the extent any Governing Board employee may legally express his/her personal opinion, the Governing Board employee shall, when writing or speaking on education matters to news media representatives, make it abundantly clear that the views of the individual Governing Board employee do not necessarily reflect the views of the Governing Board, Ohio Valley

Educational Services Center, or his/her colleagues. Any questions regarding the ability of a Governing Board employee to express the Governing Board employee's personal opinion shall be directed to the Superintendent or designee for written clarification.

D. **News Media Representative Interaction and Access**

1. Ohio Valley Educational Services Center News Media Credentials

   a. "Ohio Valley Educational Services Center News Media Credentials" shall be issued before any news media representative may have any interaction with and access to students, schools, events, parents/guardians, and Governing Board employees.

   b. The Superintendent or designee shall be responsible for issuing Ohio Valley Educational Services Center News Media Credentials consistent with the protocols established and outlined in this Policy.

   c. All Ohio Valley Educational Services Center News Media Credentials must be requested, in writing, at least seven (7) business days in advance of any public or non-public school event.

   d. In issuing any Ohio Valley Educational Services Center News Media Credentials, the Superintendent or designee shall have the sole discretion to determine the duration upon which any such news media credentials shall expire (e.g., one hour, one day, one week, etc.) provided that no news media credential shall extend beyond June 30 (e.g., a news media credential issued on June 25 shall expire on June 30). Upon expiration of any Ohio Valley Educational Services Center News Media Credentials, the news media representative may request subsequent news media credentials, which the Superintendent or designee shall have the sole discretion to determine the duration upon which any subsequent news media credentials shall expire provided that no news media credential shall extend beyond June 30. The decision of the Superintendent or designee shall be final.

e. Ohio Valley Educational Services Center News Media Credentials shall only be available to news media representatives who meet all of the following eligibility requirements:

1. Present to the Superintendent or designee valid and current press identification issued by the employing media news organization.

2. Present to the Superintendent or designee written document from the employing news media organization addressed to the Superintendent and (1) requesting that the specific news media representative be issued the Ohio Valley Educational Services Center News Media Credentials and (2) verifying that the specific news media representative shall – at all times – be acting on behalf of the employing news media organization only, and (3) verifying that the specific news media representative shall – at all times – fully comply with the protocols established and outlined in this Policy. This written request and verification shall be presented to the Superintendent or designee no later than seven (7) calendar days after the date affixed to the written request and verification.

3. Present to the Superintendent or designee sworn verification by the news media representative that he/she has no prior and/or current criminal convictions (this does not include minor traffic violations) as an adult regardless of whether the conviction has been either sealed or expunged. If the news media representative receives any criminal conviction (this does not include minor traffic violations) after having been issued Ohio Valley Educational Services Center News Media Credentials, that news media representative shall immediately notify the Superintendent or designee of all the details of the same.

4. Present to the Superintendent or designee sworn verification by the news media representative that he/she: (1) has not been non-renewed for good and just cause by any public or news media employer, (2) has not been

terminated by any school district pursuant to either R.C. 3319.16 or R.C. 3319.081 or by any public or news media employer for grounds similar to those set forth in either R.C. 3319.16 or R.C. 3319.081, and (3) has not resigned/retired from employment from any public or news media employer to avoid nonrenewal for just cause or termination pursuant to either R.C. 3319.16 or R.C. 3319.081, or for similar grounds.

5. Present to the Superintendent or designee verification of having successfully passed an annual Federal Bureau of Investigation (FBI) background check which can be processed by the Governing Board upon full payment by the news media representative. Additional periodic FBI background checks may be required by the Superintendent or designee at the sole cost of the news media representative.

6. Present to the Superintendent or designee verification of having successfully passed an annual Ohio Bureau of Criminal Investigation (BCI) background check which can be processed by the Governing Board upon full payment by the news media representative. Additional periodic BCI background checks may be required by the Superintendent or designee at the sole cost of the news media representative.

7. Present to the Superintendent or designee sworn verification by the news media representative that he/she shall – at all times – comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, this Policy.

8. Present to the Superintendent or designee sworn verification by the news media representative that he/she shall not profit – in any way – from attendance at any school event beyond payment to the news media representative by the new media employer.

9. Present to the Superintendent or designee verification that the news media representative:

    a. Has been credentialed for similar events of the Ohio Valley Educational Services Center in the current and prior school years.

    b. Can demonstrate having written about the Ohio Valley Educational Service Center or related education issues in the current and prior school years.

    c. Where the first two conditions cannot be met, a provisional one-time credential may be provided upon the sole discretion of the Superintendent or designee. The decision of the Superintendent or designee shall be final.

2. Students of the Ohio Valley Educational Services Center who have been designated "student reporter" status by their building principal/program manager shall be issued the Ohio Valley Educational Services Center News Media Credentials and shall – at all times – comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, this Policy.

3. If there is limited space for news media at any public or non-public school event, the Superintendent or designee, at the sole discretion of the Superintendent or designee, may limit the number of Ohio Valley Educational Services Center News Media Credentials that are issued. The decision of the Superintendent or designee shall be final.

4. A news media representative who refuses to comply with the directives of the Superintendent or designees shall have his/her Ohio Valley Educational Services Center News Media Credentials permanently revoked. The decision to permanently revoke Ohio Valley Educational

Services Center News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.

5. Ohio Valley Educational Services Center News Media Credentials shall not be available to any individual engaging in advertising, marketing, public relations, or management departments/firms. Any individual found to have engaged or engaging in such conduct shall have his/her Ohio Valley Educational Services Center News Media Credentials permanently revoked. The decision to permanently revoke any Ohio Valley Educational Services Center News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.

6. All news media representatives must prominently display – at all times – both their (1) valid and current press identifications issued by the employing media news organizations and (2) their Ohio Valley Educational Services Center News Media Credentials. Failure to prominently display both the press identification and news media credential – at all times – shall result in the news media representative immediately being ejected from any and all school property. The news media representative shall also have his/her Ohio Valley Educational Services Center News Media Credentials permanently revoked. The decision to permanently revoke any Ohio Valley Educational Services Center News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.

7. All news media representatives must – at all times – be accompanied by a school official selected by the Superintendent or designee. Failure to accompany the school official – at all times – shall result in the news media representative immediately being ejected from any and all school property. The news media representative shall also have his/her Ohio Valley Educational Services Center News Media Credentials permanently revoked. The decision to permanently revoke any Ohio Valley Educational Services Center News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.

E. **Public School Events**: A news media representative who has been properly issued Ohio Valley Educational Services Center News Media Credentials shall have access to all school events to which the public has been invited provided that the news media representative shall remain in the locations designated for news media only. Prior approval from the Superintendent or designee is not

required to interview, film, or photograph staff or students at public events such as athletic contests, dramatic productions, music concerts, and graduation ceremonies provided that the news media representative remains in the locations designated for news media only.

F. **Non-Public School Events**: A news media representative who has been properly issued Ohio Valley Educational Services Center News Media Credentials must first obtain prior written approval from the Superintendent or designee before the news media representative may be permitted to enter any school to cover any event other than public events and the following conditions shall be complied with in full:

1. Prior written approval from the Superintendent or designee shall be obtained before interviewing, filming, and/or photographing students, parents/guardians, and/or Governing Board employees. The decision of the Superintendent or designee shall be final.

2. Prior written approval from the Superintendent or designee shall be obtained before taking group shots that do not identify individual students by name - either still photos or video. The decision of the Superintendent or designee shall be final.

3. Prior written approval from both the parents/guardians and the Superintendent or designee shall be obtained before individual students are interviewed, taped, or photographed. The Superintendent or designee shall obtain parental/guardian permissions. A signed form giving parental/guardian permission for use of the student's image in video print and/or broadcast shall be kept on file at the school. Parents/guardians have the right to request that their child not be interviewed and/or photographed individually for video, print, and/or broadcast and the news media representative shall honor – without reservation – that right.

4. Classes shall not be interrupted for general interview purposes unless the building principal/program manager and teacher, as well as the Superintendent or designee, feel that the interview will promote classroom discussion and consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

5. News media representatives may sit in on and/or videotape footage in classrooms if it is agreeable to the building principal/program manager and the teacher(s) involved, as well as the Superintendent or designee, and consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

6. News media representatives may have access to students and teachers for interview purposes during lunch periods and after school hours on school property with permission from the building principal/program manager and the Superintendent or designee consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

7. News media representatives shall comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Governing Board including, but not limited to, Governing Board Policies 8105 (Civility Policy), 9150 (School Visitors), and 9160 (Public Attendance at School Events)

G. **Requests from the Building Level**: When a publicity request is made from the program level to the Superintendent or designee as a result of a school event, the Superintendent or designee shall determine whether the request is appropriate and shall determine the manner in which to issue proper notification to the appropriate news media and issue Ohio Valley Educational Services Center News Media Credentials consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

H. **Requests from News Media Representatives**: When a request is initiated by a news media representative to enter the school as a result of an independent school-related story on which the news media representative is working, the news media representative shall supply the following information to the Superintendent or designee: (a) the date and general time of day the news media representative wants to come into the school, (b) to whom the news media representative wants to talk, and (c) for what reason. The Superintendent or designee shall then determine whether to grant the request. If the request is granted, Superintendent or designee, will attempt to work with the news media representative and principal/program manager to coordinate a schedule agreeable to all concerned for a school visit and interview, as well as issue the Ohio Valley Educational Services Center News Media Credentials consistent with

the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

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po9555

PARTNERSHIPS WITH BUSINESS

9555 - **PARTNERSHIPS WITH BUSINESS**

The Governing Board is well aware of the role that education shall play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the ESC need to operate as an integral part of the economic community if students are to receive the type of education and training they shall need to function effectively in the twenty-first century.

The Governing Board shall seek to establish not only partnerships between the ESC and individual companies but also, if possible, consortia involving several companies and/or ESCs. The purpose shall be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of ESC personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

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po9700

RELATIONS WITH SPECIAL INTEREST GROUPS

9700 - **RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials shall be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the Governing Board that students, staff members, and ESC facilities are not to be used for promoting the interests of any non-school agency or organization, public or private, without the approval of the Governing Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Governing Board.

A. **Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their (1) educational contribution to part or all of the school program and (2) benefit to students, and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Governing Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal/program manager.

School facilities or equipment may not be used as a means of producing or

disseminating to the community any materials that advertises or promotes a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Governing Board shall not be used to distribute campaign literature within the schools or on school grounds.

Outside speakers representing commercial organizations shall be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the ESC.

B. **Contests/Exhibits**

The Governing Board recognizes that contests, exhibits, and the like may benefit individual students or the ESC as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;

2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the ESC;

3. involve any direct cost to the ESC; or

4. interrupt the regular school program.

C. **Distribution/Posting of Literature**

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on ESC property either during or after school hours without the permission and prior review of the Superintendent.

D. **Solicitation of Funds**

Because the ESC cannot accommodate every organization that desires to solicit funds for worthy purposes, the Governing Board shall not permit any organization not related to the ESC to solicit funds on ESC property.

Permission to solicit funds shall be granted only to those organizations, individuals, or staff members who meet the permission criteria established by the ESC. In accordance with Governing Board Policy 5830, no ESC student may participate in the solicitation without the Superintendent's approval.

1. The Governing Board disclaims all responsibility for the protection of, or accounting for, such funds.

2. Solicited funds are not to be deposited in any regular or special accounts of the ESC.

3. A copy of this policy shall be given to any individual granted permission to solicit funds on ESC property.

4. This policy does not apply to the raising of funds for ESC sponsored or school-sponsored activities.

5. Use of the name, logo, or any assets of the ESC, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

The Governing Board does not permit or sanction the use of crowdfunding for ESC or specific school programs or activities, including co-curricular or extracurricular activities.

E. **Prizes/Scholarship**

The Governing Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this ESC. But, in accepting the offer of such scholarships or prizes, the Governing Board directs that this policy be observed: No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Governing Board's

policy on student records.

The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

F. **Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the ESC, the Governing Board requires that:

1. the organization have a purpose which shall benefit the ESC and its students;

2. the organization's planned activities are clearly in the best interest of the ESC and its students; and

3. the organization has submitted the following information and assurances on the form provided by the ESC: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Governing Board.

G. **Surveys and Questionnaires**

Neither ESC-related nor non-ESC-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone

numbers, except as may be required by law. In addition, the ESC shall not enter into any contract for products or services, including electronic media services, where personal information shall be collected from the students by the providers of the services.

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ADVERTISING AND COMMERCIAL ACTIVITIES

9700.01 - **ADVERTISING AND COMMERCIAL ACTIVITIES**

The purpose of this policy is to provide guidance for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written, or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use, or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising.

The Governing Board may permit advertising in Educational Service Center facilities or on Educational Service Center property in the following categories or forums in accordance with the guidance set forth herein:

A. **Product Sales:**

1. product sales benefiting the Educational Service Center, district, school, or student activity (e.g., the sale of beverages or food within schools);

2. exclusive agreements between the Educational Service Center and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g., pouring rights contracts with soda companies); and/or

3. fundraising activities (e.g., short-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club, or activity where the school receives a share of the profits.

B. **Direct Advertising/Appropriation of Space:**

1. signage and billboards in schools and Educational Service Center facilities;

2. corporate logos or brand names on school equipment (e.g., marquees, message boards, or score boards);

3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;

4. ads in school publications (newspapers and yearbooks and event programs);

5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship); and/or

6. free samples (e.g., of food or personal hygiene products).

C. **Indirect Advertising**

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants, or gifts; and/or

2. the Governing Board approves the use of instructional materials developed by commercial organizations, such as films and videos, only if the education value of the materials outweighs their commercial nature.

The films or materials shall be carefully evaluated by the program manager for classroom use to determine whether the films or materials contain

undesirable propaganda and are in compliance with the guidelines as set forth above.

D. **Market Research:**

1. surveys or polls related to commercial activities;

2. internet surveys or polls asking for information related to commercial activities; and/or

3. tracking students' internet behavior and responses to questions calling for personal identification at one (1) or more websites.

It is further the policy of the Governing Board that its name, students, staff members, and Educational Service Center facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit, or other non-school agency or organization, public or private, without the approval of the Governing Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidance set forth below.

General Advertising Guidance

The following guidance shall be followed with respect to any form of advertising on school grounds or school property, including the Educational Service Center's website:

A. When working together, schools and businesses shall protect educational values. All commercial or corporate involvement should be consistent with the Educational Service Center's educational standards and goals.

B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Governing Board.

C. The Governing Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.

E. No advertisement shall promote any specific religion or religious, ethnic, or racial group, political candidate or ballot issue, and shall be non-proselytizing.

F. No advertisement may contain libelous material.

G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.

H. No advertisement shall be false, misleading, or deceptive.

I. To the extent feasible, each advertisement shall be reviewed in advance for age appropriateness.

J. Advertisements may be rejected by the Educational Service Center if determined to be inconsistent with the educational objectives of the Educational Service Center, inappropriate, or inconsistent with the guidance set forth in this policy.

K. All corporate support or activity shall be consistent with the Governing Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and shall be age appropriate.

L. Students shall not be required to advertise a product, service, company, or industry.

M. Advertising shall not be permitted on the outside or the inside of school buses.

N. The Superintendent or designee is responsible for screening all advertising.

O. The Superintendent or designee may require that samples of advertising be made available for inspection.

P. The inclusion of advertisements in the Educational Service Center publications, in Educational Service Center facilities, or on Educational Service Center property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

Q. Final discretion regarding whether to advertise and the content and value of the materials shall be with the Governing Board.

Accounting

Advertising revenues shall be properly reported and accounted for.

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