



# EOLA of OHIO

## TEMPLATES

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### REVISED POLICY - VOL. 32, NO. 1

### ANTI-HARASSMENT

#### General Policy Statement

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

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



**The District will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.**

For purposes of this policy, "School District community" means students, administrators, **and professional and classified staff**, ~~teachers, staff, and all other school personnel, including~~ **as well as** Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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



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

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

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

### **Definitions**

#### **Bullying**

**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;





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

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

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

**Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "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.**



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- 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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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. ~~Physical assault.~~ **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 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. 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.





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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships 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.
- J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- K. **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** must 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.

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



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### **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.





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### **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. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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

Members of the School District community, **which includes all staff**, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. **Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.**

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



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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 have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the 4362 investigation and provide him/her with a copy of the resulting written report.

### Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

[NOTE: School Districts are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504 and Title IX Coordinators.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)





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~~The names and titles of the Anti Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy.~~ The names, and titles, **and contact information** of these individuals will be published annually:

- ( ) in the parent and staff handbooks.
- ( ) in the School District Annual Report to the public.
- ( ) on the School District's web site.
- ( ) on each individual school's web site.
- ( ) in the School District's calendar.
- ( ) \_\_\_\_\_.

**The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the 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 Superintendent shall establish administrative guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This policy and the administrative guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.~~



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**Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will 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 will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.**

~~Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators \_\_\_\_\_ ( )~~ **Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer, or designee must 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 s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.**





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### Investigation and Complaint Procedure (See Form 4362 F1)

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment or retaliation may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

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

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

### Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or third party 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 and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against 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.



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

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

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.



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The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties 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 individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

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

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy. (See Policy 8310 and Policy 8330)





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#### **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 if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, principal, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.



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Upon receiving a formal complaint, the Compliance Officer will 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 alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. (1) A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must 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 will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will 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;
- 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.



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At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must 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 will be used. (1) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

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





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If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

☐ The decision of the Superintendent shall be final.

**OR**

☒ A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

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



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### Privacy/Confidentiality

The School District will **employ all reasonable efforts to protect the rights** ~~respect~~ ~~the privacy of the~~ Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. **Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.**

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the School Board's records retention policy. Any records that are considered student education records in accordance with the *Family Educational Rights and Privacy Act* or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.



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### **Informal Process for Addressing Complaints of Harassment**

~~The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties 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 administrative guidelines will include as a requirement the prerequisite that 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. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.~~

### **Formal Process for Addressing Complaints of Harassment**

~~The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty one (31) calendar days of the complaint being received).~~

~~Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the administrative guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the administrative guidelines.~~





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~~After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.~~

~~At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.~~

~~{ } — A copy of the written report will also be delivered to the member of the School District community or third party making the complaint and the individual accused of the harassing conduct.~~

~~Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.~~

~~{ } — The decision of the Superintendent shall be final.~~

~~{ } — A Complainant who is dissatisfied with the Superintendent's decision may appeal it to the Board of Education by submitting written notice to the Superintendent within ten (10) days of the date of the Superintendent's decision. Upon receipt of a notice of appeal, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision either affirming, modifying, or rejecting the Superintendent's decision. The decision of the Board shall be final.~~



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~~The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.~~

~~The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.~~

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment **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 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, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, 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 School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to **end such conduct, prevent its recurrence, and remedy its effect.**~~eliminate such conduct in the future.~~





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### **Retaliation**

Any act of retaliation 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 is prohibited.

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

State law requires any school teacher or school 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 a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a 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.



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

The Superintendent will report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed classified staff members convicted of sexual battery, and will, in accordance with Policy 8141, suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

**Education and Training**

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

R.C. 4112.02

**20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA),**

~~as amended (commonly known as The Individuals with Disabilities Act)~~

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq., **Age Discrimination in Employment Act of 1967**

29 U.S.C. 794, **Rehabilitation Act of 1973, as amended**

29 C.F.R. Part 1635

**29 U.S.C. 6101, The Age Discrimination Act of 1975**

42 U.S.C. 12101 et seq., **Americans with Disabilities Act of 1990, as amended**

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., **The Genetic Information Nondiscrimination Act**

42 U.S.C. 1983

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### REVISED POLICY - VOL. 32, NO. 1

#### 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"). Covered active duty **-is defined in AG 4430.01**~~means duty during deployment with the Armed Forces to a foreign country.~~



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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") **as described more fully in AG 4430.01**. ~~A covered service member is defined as (1) a 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) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)~~



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### Eligible Employees

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request, ( ) and are employed at a work site where fifty (50) or more employees are employed by the Board within seventy-five (75) miles of that work site. **[NOTE: only include this option if it is possible an employee in the District may not meet this criteria; in most, if not all, schools districts in Ohio, this criteria will be met.]** Months and hours that ~~members of the National Guard or Reserve employees~~ **who performed USERRA-covered service** would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her ~~National Guard or Reserve military~~ **USERRA-covered service** obligation, or a written agreement **[NOTE: this includes a collective bargaining agreement]** exists concerning the Board's intention to rehire the staff member after the break in service.

### Twelve (12) Month Period

Twelve (12) month period is defined as

- ( ) the calendar year.
- ( ) a fixed twelve (12) month period (i.e. the "leave year" is identical for all staff members -- e.g. a fiscal year or calendar year).
- ( ) the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e. the "leave year" is specific to each individual staff member).
- ( ) a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).



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### **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.





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- 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 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.)~~ **or** other injury or **b.)** 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 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 must 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.



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- 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. A period of incapacity related to pregnancy need not involve a visit to the healthcare provider for each absence, and the absence need not last 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 must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.



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- 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, ear aches, 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.

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



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If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced 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** (Forms available at the U.S. Department of Labor Website: [www.dol.gov](http://www.dol.gov))

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 must 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 must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must 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 **is** due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.





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### **Substitution of Paid Leave**

☐ The Board shall require the staff member

☐ The staff member may request

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

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

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or a twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.



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**District Notice Requirements** (Forms available at the U.S. Department of Labor Website: [www.dol.gov](http://www.dol.gov))

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

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. **[NOTE: If the essential job functions are not provided at this time, they must be provided with the Designation Notice Form.]** If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must 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 must 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 must 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.



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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 will 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)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must 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 will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work. **[NOTE: If a handbook or other written document clearly provides that fitness-for-duty certification will be required in specific circumstances, the Board's designee may provide only oral notice of this requirement.]**

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 will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will 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 will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will 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 schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.



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

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

Where the husband and wife 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 husband and wife 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 an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) 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 must 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 will 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.





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When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

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

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent;
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will 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 will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.



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

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

The Board authorizes its healthcare provider, ( ) **human resource professional**, ( ) **leave administrator**, ( ) **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, must 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. **[NOTE: If this option is selected, it must be uniformly applied to all similarly-situated employees (i.e. same occupation, same serious health condition) returning from leave for their own serious health condition, and a list of the employee's essential functions must be provided to him/her at the time his/her leave was designated as 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.



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

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

- [ ] 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 ( ), nor shall it be counted against the staff member under a no fault attendance policy. 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 Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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



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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 prepare any guidelines that are appropriate for this policy and verify that the policy is posted properly.

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

29 U.S.C. 2601 et seq. (as amended)

29 C.F.R. Part 825

45 C.F.R. Part 160, 164

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**REVISED POLICY - VOL. 32, NO. 1**

**ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Board of Education establishes the following residency policy for determining eligibility to attend the schools of this District.

The Board shall provide tuition-free education for the benefit of children at least five (5) but under twenty-two (22) years of age whose parents reside in the District and such others as may be eligible pursuant to Federal and/or State law and the policies of the Board, including disabled preschool children who are at least three (3) years of age but not of compulsory school age and who are not currently enrolled in kindergarten.

In addition, the Board shall provide tuition-free education for the benefit of a child whose grandparent(s) resides in the District and who is the subject of a:

- A. power of attorney designating the grandparent as the attorney-in-fact; or
- B. caretaker authorization affidavit executed by the grandparent that provides the grandparent with authority over the care, physical custody, and control of the child, including the ability to enroll the child in school, consent in all school related matters, and discuss with the District the child's educational progress.

In accordance with State law, the grandparent shall be considered the "parent" of the child who is the subject of the power of attorney (Form 5111 F7) or caretaker authorization affidavit (Form 5111 F8). The child may attend the schools of this District (Form 5111 F9) unless the power of attorney or caretaker authorization form was created for the sole purpose of enrolling the child in the District so that the child may participate in the academic or interscholastic programs of this District or another reason exists to exclude the child under State law. Additionally, the child may attend the schools of the District until the power of attorney or caretaker authorization affidavit terminates upon the occurrence of one (1) of the following events:

- A. ~~one (1) year elapses following the date the document is notarized;~~
- BA. the child ceases to reside with the grandparent(s);



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ⒸB. the document is terminated by court order; or

ⒸC. either the child who is the subject of the document or the grandparent dies.

Additionally, the power of attorney terminates if it is revoked in writing by the person who created it **and that person gives written notice of the revocation to the grandparent and the juvenile court with which the power of attorney was filed.** Further, the caretaker authorization affidavit terminates if the parent, **guardian, or** custodian, ~~or guardian~~ of the child acts to negate, reverse, or otherwise disapprove of an action or decision of the grandparent(s) who signed the affidavit with respect to the child, **and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian or custodian or fails to file a complaint to seek custody within fourteen (14) days after delivery of the written notice of negation, revocation or other disapproval.** It is the responsibility of the grandparent(s) to notify the District within one (1) week of the termination of the power of attorney or caretaker authorization affidavit.

The Board reserves the right to verify each student's residency and other conditions of eligibility for tuition-free education as well as the validity of the claim of any student to an education in the District. In addition, if a student has recently been discharged or released from the custody of the Department of Youth Services (DYS) and is seeking admittance or re-admittance into the District, such students will not be admitted until the records required to be released by DYS to the Superintendent have been received (see AG 5111 for listing of required records). Within twenty-four (24) hours of admission into the District, the Superintendent shall request a copy of the student's school records from the school the student most recently attended.



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### Nonresident Eligibility for Tuition-Free Education

A student shall be entitled to attend school in this District free of any tuition obligation under the following circumstances:

- A. A child whose parent has signed a contract to buy or build a house in this District and provides proper sworn statements shall be enrolled without payment of tuition for a period not to exceed ninety (90) days. The Superintendent is authorized to determine the number of days. The parent shall provide:
  - 1. a sworn statement explaining the situation, the location of the house being purchased or built, and stating the parent's intention to reside there upon its completion; and
  - 2. a statement from the builder that the house is being built for the parent and its location or a statement from a real estate broker or bank officer confirming that the parent has a contract to purchase, that the parent is waiting upon a closing date, and that the house is at the location identified in the parent's sworn statement.

Such child shall also be eligible to participate in interscholastic athletics, if released by formal action of the district of current residency and the OHSAA.

- B. Children under a shared-parenting plan establishing both parents as "residential parents" when the child is residing with the parent, if one (1) parent resides in the District. If a student resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for that student from the home of the nonresident parent. Where a court has vested legal custody with only one (1) parent, the child is entitled to attend school tuition-free only in the district in which the custodial parent resides.
- C. A child under the age of eighteen (18) years of age who is married and resides in the District.



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- D. Students between the ages of eighteen (18) and twenty-two (22) who support themselves by their own labor, live apart from their parents, reside in the District, and have not successfully completed the District's high school program or their I.E.P.
- E. Students who are considered by Federal law to be illegal aliens and/or homeless students who are required to be admitted by Federal law and in accordance with State guidelines.
- F. A child with a medical condition that may require emergency medical attention providing a parent is employed in the District and submits the proper certification required by the Board, including a medical statement from the child's physician.
- G. A child, living with a resident other than a parent and whose parent is in the armed services outside the State of Ohio, providing the child's parent submits the appropriate affidavit stating that the parent is in the armed forces outside the State of Ohio, intends to reside in the District upon return to the State, and provides the name and address of the person with whom the child will reside. The child may attend school in the District tuition-free for a period not to exceed twelve (12) months. If the parent does not intend to reside in the District, the child may attend school as a tuition student only.
- H. A student who is living with a parent under the care of a shelter program for victims of domestic violence located in the District.
- I. A nonresident child who has been or is currently being placed for adoption with a resident of this District, unless the adoption has been terminated or another district is required to educate the child.
- J. Any student who enrolls in the District under the District's open enrollment policy.





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### Optional Tuition-Free Education

The Board may admit students tuition-free under the following circumstances:

- ( ) Children under the age of twenty-two (22), who are:
  - 1. in the legal custody of their parent;
  - 2. residing with a resident grandparent; and
  - 3. not in need of special education, provided the Board and the board of education of the child's district of residence enter into a written agreement specifying there is good cause for the transfer, describing the nature of the good cause, and consenting to the attendance.

The grandparent, and, if possible, the custodial parent shall sign the consent form providing the necessary authorizations. This option does not apply to children who are residing with a resident grandparent and are the subject of either a power of attorney or caretaker authorization affidavit that provides the grandparent with authority over the care, physical custody, and control of the child, as set forth in an earlier section of this policy. The Board shall admit children who are the subject of either a power of attorney or caretaker authorization affidavit tuition-free.

- ( ) Foreign-exchange students participating in a bona fide foreign-exchange program or residents of foreign nations who request admission as foreign-exchange students or the student is a non-Ohio, U.S. resident admitted under an exchange program operated by a student exchange organization.
- ( ) Residents, regardless of age, who have graduated from an approved special education program and who wish to participate in a vocational program offered by the District or the \_\_\_\_\_ JVS, provided all of the conditions established in the AG 5111 have been met.



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- ( ) Any member of the District's classified staff who wishes to participate in a vocational education program related to his/her position that is offered by the District or the \_\_\_\_\_ JVS, providing s/he is authorized for admission by the Superintendent.
- ( ) Any resident of the District who, although not otherwise eligible, meets the criteria for free admission as established by the State Board of Education.
- ( ) Twelfth grade students whose parents move out of the District after the commencement of classes shall be allowed to attend school tuition-free for the remainder of the current year and one (1) additional semester.
- ( ) The Superintendent may allow a student to remain in school beyond the additional semester, if, in his/her opinion, the student is making adequate progress toward completion of the high school program or I.E.P. but, due to circumstances such as illness, personal hardship, family responsibilities, or the need to work part-time has been unable to complete the program or I.E.P. within the school year and/or one (1) additional semester.
- ( ) Natural or legally-adopted children of full-time staff members who reside outside the District provided proper application, prior to the first day of school, has been made. **[NOTE: REFER TO TERMS OF APPLICABLE COLLECTIVE BARGAINING AGREEMENTS]**
- ( ) A nonresident student under the age of twenty-two (22) is entitled to attend school in the District if the superintendent of the student's district of residence and the Superintendent enter into a written agreement consenting to the attendance and specifying that the purpose of the attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.



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If the student is not receiving special education, there shall be no requirement for either district to provide transportation for the student.

Any student admitted to the District under this provision shall be allowed to participate in all District student activities, including interscholastic athletics, on the same basis as any student who has attended the District's schools while of compulsory age.

- ( ) A student whose parent is a full-time employee of an educational service center, provided his/her parent's job is primarily located in the District, in the same manner that it enrolls a child whose parent is a full-time employee of the District. **[NOTE: REFER TO TERMS OF APPLICABLE COLLECTIVE BARGAINING AGREEMENTS]**
- ( ) A child may enroll free of any tuition obligation for a period not to exceed sixty (60) days, on the sworn statement of an adult resident of the District that s/he has initiated legal proceedings for custody of the child. If the court fails to grant the adult resident custody, continued enrollment beyond the sixty (60) days will be at the discretion of the Board. If enrollment continues, tuition shall be assessed in accordance with law. If the court awards custody to the adult resident, s/he shall produce the journal entry awarding custody and tuition shall be determined in accordance with State law and/or the court order.
- ( ) A child who becomes a nonresident at the time of a parent's death may continue to attend school in the District on a nontuition basis for the remainder of the school year.



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### [ ] **Optional Enrollment**

A student under twenty-two (22) years of age who is lawfully in attendance may continue to attend school in the District if, at any time following the end of the first full-week of October of the school year, the child or the child's parent has relocated to a new address located outside of the District but within the same county as the child's or the parent's address immediately prior to the relocation. In such case, the child may continue to attend school in the District, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year, only if the following conditions are met:

- A. the District to which the child or child's parent has relocated, which must be within the same county as the child's or the parent's address immediately prior to the relocation, has likewise adopted a policy to enroll children as described in this section;
- B. the child's parent provides written notification of the relocation outside of the District to the Superintendent of each of the two (2) school districts.

Any person or entity owing tuition to the District on behalf of the child at the end of the first full week in October, as provided in State law, shall continue to owe such tuition to the District for the child's attendance pursuant to this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the District under this section. If the child's attendance was tuition-free prior to moving to his/her new district of residence, the child may continue to attend tuition-free for the remainder of the school year.

Transportation for a child attending school pursuant to this section shall be provided in accordance with any agreement regarding transportation that exists between this District and the student's new district of residence, or, if no such agreement exists, in the same manner as for students attending under open enrollment.





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### Students Suspended or Expelled from Other District

After offering an opportunity for a hearing, the Superintendent, at his/her discretion, may deny admission to a student who has been suspended or expelled from another public school within or outside the State, for the period of unexpired time of the suspension or expulsion. If the expulsion is from an out-of-state public school, the lesser of the period of such expulsion or the period of expulsion which would have been applied had the student committed the offense in this District will be imposed. When the suspension or expulsion from the other district has expired, the student is to be admitted providing all other eligibility requirements have been met. This provision also applies to a student who is the subject of power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent.

### Mandatory Admission/Payment of Tuition

The Board shall admit students who reside in the District but his/her parents do not reside in the District and tuition payments shall be assessed pursuant to State law if:

- A. the student is in the legal or permanent custody of a governmental agency or a person other than his/her natural or adoptive parents;
- B. the student resides in a home as defined by State law;
- C. the student requires special education;
- D. the child resides in the District and the child's parent is in a residential facility, correctional facility, or juvenile placement and the other parent, if living and not in such a facility or placement, is not known to reside in this State.

If the District admits a student to the District who is not otherwise entitled to attend or whose attendance tuition is not an obligation of another district, the Board shall collect tuition from the student's parents.



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The Superintendent shall develop administrative guidelines for the enrollment of nonresident children which:

- ( ) admit such children only on the proper application of the parent or guardian; release by the board of education of residency, if required; and the approval of the Board;
- ( ) do not exclude any child, otherwise eligible, on the basis of such child's race, color, national origin, sex ~~(-)~~ (including sexual orientation and transgender identity), disability, religion, or ancestry;
- ( ) verify claims of residency;
- ( ) deny admission where the educational program maintained for the children of this District is inadequate to meet the needs of the applicant;
- ( ) make continued enrollment of any nonmandatory nonresident, regular-education student contingent upon maintaining good standards of citizenship and discipline.

The Superintendent shall:

- ( ) recommend to the Board for their approval the admission of qualified applicants.
- ( ) report to the Board at each regular meeting for its information and consent the enrollment of each nonresident student.



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Tuition rates shall be determined as required by Ohio Statutes.

Tuition shall be charged

( ) monthly, in advance of attendance.

( ) \_\_\_\_\_ **[other]**.

R.C. 3313.48, 3313.64, 3313.645, 3313.649, 3313.65, 3313.66, 3313.90, 3313.97

R.C. 3313.98, 3317.08, 3317.081, 3321.01(B), 3321.03, 3323.141

R.C. 3327.04, 3327.05, 3327.06, 2152.18, 5139.05, 3313.672, 3313.533

A.C. 3301-42-01

42 U.S.C. 11431 et seq.

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**REVISED POLICY - VOL. 32, NO. 1**

**HEALTH SERVICES**

The Board of Education may require students of the District to submit to periodic health examinations to:

- ( ) protect the school community from the spread of communicable disease;
- ( ) verify that each student's participation in health, safety, and physical education courses meets his/her individual needs;
- ( ) verify that the learning potential of each child is not lessened by a remediable physical disability.

The District may provide or request parents to provide:

- ( ) general physical examinations for athletics;
- ( ) dental examinations;
- ( ) tests for communicable disease;
- ( ) vision and/or audiometric screening;
- ( ) scoliosis tests.
- ( ) \_\_\_\_\_.

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.





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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 State law, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination or screening upon written notification to the Board within \_\_\_\_\_ days after receipt of the Board's annual public notice.

**Any student who has been removed from a physical education class, or athletic practice or competition, by a teacher, coach, or referee because s/he has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any physical education class, or athletic practice or competition, for which the teacher, coach, or referee is responsible until both of the following occur:**

*take both*  
**A.**

The student's condition is assessed by a physician (P) or other healthcare provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student.

*[scribble]*  
**B.**

The student receives written clearance that it is safe to return to physical education class, or athletic practice or competition, from a physician (P) or other healthcare provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2) to grant such a clearance.

R.C. 2305.231, 3313.50, 3313.68 et seq., **3313.539**

A.C. 3301-35-03 (D)

20 U.S.C. 1232(h)



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**REVISED POLICY - VOL. 32, NO. 1**

**STUDENT ACCIDENTS**

The Board of Education 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 develop administrative guidelines to include the reporting of accidents, when appropriate.

**On an annual basis, physical education teachers and coaches of intramural athletics shall review the Ohio Department of Health's concussion information sheet.**

**Physical education teachers and coaches of intramural athletics shall remove from P.E. class participation or the intramural athletic activity any student who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury. The Principal shall notify parents or guardians about the possible concussion or head injury. See also Policy 2431 Interscholastic Athletics.**



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Any student who has been removed from a P.E. class, or intramural athletic practice or competition, by a teacher, coach, or referee because he/she has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any P.E. class, or intramural athletic practice or competition, for which the teacher, coach, or referee is responsible until both of the following occur:

-  A. The student's condition is assessed by a physician  or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student.
-  B. The student receives written clearance that it is safe to return to the P.E. class, or intramural athletic practice or competition, from a physician  or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to grant a such a clearance.

R.C. 2305.23 (Good Samaritan), 3313.20, **3313.539**



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**REVISED POLICY - VOL. 32, NO. 1**

**CARE OF SCHOOL PROPERTY**

The Board of Education believes that the schools should help students learn to respect property

- ( ) and develop feelings of pride in community institutions.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law,

- ( ) except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings

- ( ) and reserves the right, **to the extent permitted by law**, to withhold a report card or credits from any student whose payment of such fine is in arrears.

- [ ] The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.

A reward may be offered by the Board for the apprehension of any person who vandalizes school property.

The Superintendent shall develop administrative guidelines to implement this policy.

| R.C. **2151.272**, 2151.411, 3109.09, 3313.173, 3313.642





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### REVISED POLICY - VOL. 32, NO. 1

### ANTI-HARASSMENT

#### General Policy Statement

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

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

**(b) The District will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.**

For purposes of this policy, "School District community" means students, administrators, **and professional and classified staff**, ~~teachers, staff, and all other school personnel, including as well as~~ Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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



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

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

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

### **Definitions**

#### **Bullying**

**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;



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- 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 school employee that:**

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

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "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.**





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- 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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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. ~~Physical assault.~~ **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 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. 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.





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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- J. **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** must 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.**

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

### **Race/Color Harassment**

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



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### **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.



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### Reports and Complaints of Harassing Conduct

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

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

**If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior, the Principal 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 Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the 5517 investigation and provide him/her with a copy of the resulting written report.**





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### Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

[NOTE: School Districts are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504 and Title IX Coordinators.]

  
\_\_\_\_\_  
(Name)

  
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(Name)

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(School District Title)

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(Telephone Number)

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(Telephone Number)

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(Office Address)

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(Office Address)

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(E-mail Address)

\_\_\_\_\_  
(E-mail Address)

~~The names and titles of the Anti Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy. The names, and titles, and contact information~~ of these individuals will be published annually:

- ( ) in the parent and staff handbooks.
- ( ) in the School District Annual Report to the public.
- ( ) on the School District's web site.
- ( ) on each individual school's web site.
- ( ) in the School District's calendar.
- ( ) \_\_\_\_\_.





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

~~The Superintendent shall establish administrative guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This policy and the administrative guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.~~

**Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed within a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will 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 will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.**

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



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#### **Investigation and Complaint Procedure**

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

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

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

#### **Informal Complaint Procedure**

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

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.



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

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

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

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (3) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.





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

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

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

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the School Board's records retention policy and/or Student records policy. (See Policy 8310 and Policy 8330)





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### 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 if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or another District employee who works at another school or at the district level. 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 complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.



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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 will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will 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 alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. (15) A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must 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 will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;





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- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- 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 the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must 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 will be used. (1) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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

☐ The decision of the Superintendent shall be final.

OR

☒ A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.



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In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

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

### Privacy/Confidentiality

The School District will **employ all reasonable efforts to protect the rights** respect ~~the privacy~~ of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. **Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.**

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.





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**All records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the *Family Educational Rights and Privacy Act* or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.**

### **Informal Process for Addressing Complaints of Harassment**

~~The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties 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 administrative guidelines will include as a requirement the prerequisite that 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. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.~~

### **Formal Process for Addressing Complaints of Harassment**

~~The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty one (31) calendar days of the complaint being received).~~



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~~Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the administrative guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the administrative guidelines.~~

~~After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.~~

~~At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.~~

~~{ } — A copy of the written report will also be delivered to the member of the School District community or third party making the complaint and the individual accused of the harassing conduct.~~

~~Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.~~

~~{ } — The decision of the Superintendent shall be final.~~





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~~{ } A Complainant who is dissatisfied with the Superintendent's decision may appeal it to the Board of Education by submitting written notice to the Superintendent within ten (10) days of the date of the Superintendent's decision. Upon receipt of a notice of appeal, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision either affirming, modifying, or rejecting the Superintendent's decision. The decision of the Board shall be final.~~

~~The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.~~

~~The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.~~

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment **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 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, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).



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

### **Retaliation**

**Any act of retaliation 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 is prohibited.**

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

**State law requires any school teacher or school 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 a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.**

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





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Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a 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.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

The Superintendent will 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 will, in accordance with Policy 8141, 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.



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### **Education and Training**

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

R.C. 4112.02

**20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA),**

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq., **Age Discrimination in Employment Act of 1967**

29 U.S.C. 794, **Rehabilitation Act of 1973, as amended**

**29 U.S.C. 6101, The Age Discrimination Act of 1975**

**42 U.S.C. 2000d et seq.**

**42 U.S.C. 2000e et seq.**

42 U.S.C. 12101 et seq., **Americans with Disabilities Act of 1990, as amended**

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis – May, 2008

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**REVISED POLICY - VOL. 32, NO. 1**

**BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

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

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

This policy has been developed in consultation with parents, District employees, volunteers, students, and community members as prescribed in R.C. 3313.666 and the State Board of Education's Model Policy.

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. violence within a dating relationship.



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"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.

Harassment, intimidation, or bullying also means cyberbullying through 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 and 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 aggressive behavior should immediately report the situation to the Building Principal or assistant principal, or the Superintendent. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate administrator or Board official. Complaints against the Building Principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

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

All complaints about 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, and/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.





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

**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 Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in 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 aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Retaliation may result in disciplinary action as indicated above.

Deliberately making false reports about harassment, intimidation, bullying and/or other aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Deliberately making false reports may result in disciplinary action as indicated above.

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

The District shall implement intervention strategies (AG 5517.01) to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.



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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 bullying against a specific student are verified, the Building Director 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, and/or bullying.

If after investigation, acts of harassment, intimidation, and/or bullying by a specific student are verified, the Building Director 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.

### **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, and/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 Director for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal or anonymous complaints of conduct that they consider to be harassment, intimidation, and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal 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 Director for review, investigation, and appropriate action.



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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 School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the District web site (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.



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### **Immunity**

A School District employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, and/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, and/or bullying.

### **Notification**

Notice of this policy will be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian.

[ ] The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the District and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedures.





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### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines about aggressive behavior and bullying in general, will be age and content appropriate.

Annually, the District shall provide all students enrolled in the District with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy ( ) to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the Building Director to examine the dating violence prevention instruction materials used in the school, will be afforded an opportunity to review the materials within a reasonable period of time.

The District shall provide training, workshops, and/or courses on this policy for school employees and volunteers who have direct contact with students, ( ) to the extent that State or Federal funds are appropriated for these purposes. Time spent by school staff in these training programs shall apply toward mandated continuing education requirements.

In accordance with Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development.



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The Superintendent shall develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

R.C. 3313.666, 3313.667

State Board of Education Model Policy (2007)

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**REVISED POLICY - VOL. 32, NO. 1**

**STUDENT FEES, FINES, AND CHARGES**

**Choose Option #1 or #2**

**Option #1**

The Board of Education will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge for its students. The Board may, however, need to levy certain charges to students to facilitate the utilization of other appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge. Any such waiver of these charges shall be made in accordance with Policy 6152.01.

A charge shall not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from resale of such material shall be returned to the Treasurer with an accurate accounting of all transactions.

**Option #2**

The Board of Education will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge for its students. The Board may need to levy certain charges to students to facilitate the utilization of other appropriate materials for curricular as well as co-curricular and extra-curricular, noncredit activities. Such charges would be made on expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies, and materials, for clubs, independent study or special projects, and District-sponsored trips. Any waiver of fees shall be made pursuant to Policy 6152.01.

School fees shall be paid in advance for each school term at the time of initial registration or initial enrollment.



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### Fees

For the purposes of this policy, "school fees" or "fees" means any monetary charge collected by the District from a student or the parent(s) or guardian of a student as a prerequisite for the student's participation in any curricular or extra-curricular program of the District.

- A. "School fees" include, but are not limited to, the following:
- ( ) all charges for required workbooks and instructional materials
  - ( ) all charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment)
  - ( ) charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extra-curricular activity
  - ( ) charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs
  - ( ) charges to participate in extra-curricular activities
  - ( ) charges for supplies required for a particular class or for gym uniforms
  - ( ) graduation fees
  - ( ) school records fees
  - ( ) school health service fees
  - ( ) driver's education fee assessed pursuant to Ohio Revised Code





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B. "School fees" do not include:

- ( ) library fines and other charges made for the loss, misuse, or destruction of school property;
- ( ) charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items;
- ( ) charges for optional travel undertaken by a school club or group of students outside of school hours;
- ( ) charges for admission to school dances, athletic events, or other social events;
- ( ) optional community service programs for which fees are charged (e.g., preschool before and after-school child care, recreation programs).

A charge shall not exceed the combined cost of the outside service provided or material used, freight and/or handling charges. Money received from resale of such material, if any, shall be returned to the Treasurer with an accurate accounting of all transactions.

### **(END OF OPTIONS)**

#### **Fines**

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines.

#### **Choose Option #1 or #2**

##### **Option #1**

Any fees, fines, and/or other charges collected by members of the staff shall be turned in to the Treasurer within one (1) business day after collection.



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#### Option #2

Any fees, fines, and/or other charges collected by members of the staff that total more than \$1,000.00 or that cannot be safeguarded shall be turned in to the Treasurer within one (1) business day after collection. Any fees, fines, and/or charges collected by members of the staff that total less than \$1,000.00 and that can be safeguarded shall be turned in to the Treasurer within three (3) business days after collection. A place such as the building safe or a locked file cabinet ( ) shall be designated in each building ( ) shall be used for securing these monies until they are deposited with the Treasurer. At no time shall any staff member place public monies in his/her own banking accounts or commingle public monies with their own. Except in cases of extenuating circumstances, i.e., the inability to access the secure place in the building, public monies should not be taken to a person's place of residence.

#### (END OF OPTIONS)

In accordance with R.C. 3313.642, failure to pay fees and fines may result in the withholding of grades and credit. In the event the above course of action does not result in the fee being collected, the Board authorizes the Treasurer to take the student and/or his/her parents to Small Claims Court for collection. **Under no circumstances will the Board withhold the grades, credits, official transcripts, diploma, IEPs, or Section 504 Plans of a student for nonpayment of fees for materials used in the course of instruction, if a complaint has been filed at any time in a juvenile court alleging that the student is an abused, neglected, or dependent child, or if the student has been adjudicated an abused, neglected, or dependent child. Further the Board will transfer immediately the grades, credits, official transcripts, IEPs, or Section 504 Plans of a student upon the receipt of either another district's or school's request for those records pursuant to R.C. 3313.672, or a juvenile judge's order under R.C. 2151.272. The Superintendent may request a copy of any order regarding a child's custody or placement issued pursuant to a complaint filed under R.C. 2151.27. The Board, however, will not withhold records required to be transferred pursuant to this paragraph pending receipt of a copy of the order.**



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**Annually the District will report to the Ohio Department of Education the number of students for whom it sent transcripts pursuant to R.C. 3313.642(D), and the total amount of unpaid fees lost due to compliance with that provision.**

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

R.C. **2151.272**, 3313.642, 9.38

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**REVISED POLICY - VOL. 32, NO. 1**

**DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY**

The Board of Education believes that the efficient administration of the District may require the disposition of real property and/or personal property that is no longer necessary to meet the educational or operational needs of the School District.

- [ ] All property considered for disposition **(sale) (shall) (may)** 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 will be in the public interest and benefit the School District (see Policy 7310 and Donation of Real or Personal Property). If the Board decides to trade an item of personal property as a part or an entire consideration on the purchase price of an item of similar personal property, the Board may trade the personal property upon such terms as are agreed upon by the parties.

**Disposition of Real Property under \$10,000**

Real property, the value of which does not exceed \$10,000, shall be disposed of by the Board in such manner as will be in the public interest and benefit to the School District and may be accomplished by private sale. If the Board identifies a parcel of real property that it determines is needed for school purposes, the Board may, upon majority vote of the members of the Board, acquire such parcel by exchanging its real property for the parcel or using the real property as part or 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 Board.





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**Disposition of Personal and Real Property over \$10,000**

Property, (personal and real), the value of which exceeds \$10,000, shall be sold at public auction to the highest bidder in accordance with law. The Board may offer real property for sale as an entire tract or in parcels.

A. Unless the property is being:

1. sold to an exempt entity, as defined in R.C. 3313.41(C);
2. sold to a community school or the board of trustees of a college preparatory boarding school, as set forth in R.C. 3313.41(G); or
3. exchanged for an identified parcel of real property that the Board determines it needs for school purposes or the property is being used as part or an entire consideration for the purchase price of the identified real property, pursuant to R.C. 3313.41(F), or
4. traded as a part or an entire consideration on the purchase price for a similar item of personal property upon such terms as agreed to by the parties to the trade pursuant to R.C. 3313.41(E),

the District shall attempt to sell the property by public auction after giving at least thirty (30) days notice of the auction by:

- ( ) publication in a newspaper of general circulation; or
- ( ) posting notices in five (5) of the most public places in the District in which the property, if it is real property, is situated, or if it is personal property, in the District of the Board that owns the property.



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- B. If, after the property has been offered once by public auction, no acceptable bids have been received, the District may sell the property at private sale. The following procedures shall apply:
- ( ) Regardless of how the property was offered at public auction, at a private sale, the Board shall, as it considers best, sell real property as an entire tract or in parcels. Personal property shall be sold in either a single lot or several lots.
  - ( ) All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.
  - ( ) Written offers shall be referred to the Board Finance Committee for review and recommendations. Offers, when received, will be distributed to the members of the Board.
  - ( ) All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.
  - ( ) The authorized agents of the Board are to review all purchase or lease offers pertaining to sale or lease of property shall be selected by legal counsel and the \_\_\_\_\_. The Board shall give final approval of all contracts.
  - ( ) In consideration of the best interest of the District and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.
  - ( ) Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.
  - ( ) Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.



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- C. If the Board decides to dispose of real property that is suitable for use as classroom space, prior to disposing of the property in the manner set forth above, the Board shall first offer the property for sale to the governing authorities of the start-up community schools and the board of trustees of any college preparatory boarding school located within the territory of the District.
1. The Board shall offer the property to the community school governing authority and college preparatory boarding school board of trustees at a price that is not higher than the appraised fair market value of the property as determined in an appraisal of the property that is not more than one (1) year old.
  2. In the event that more than one (1) community school governing authority or college preparatory boarding school board of trustees accepts the offer made by the Board, the property shall be sold to the community school governing authority or board of trustees that accepted the offer first in time.
  3. The Board may dispose of the property by public auction if no community school governing authority or college preparatory boarding school board of trustees accepts the Board's offer within sixty (60) days after such offer.
- D. Disposition of Unused School Facilities
1. "Unused School Facilities" means any real property that has been used by the District 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 two (2) years.



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2. The Board shall offer any Unused School Facilities it owns for lease or sale to the governing authority of any community school or the board of trustees of any college preparatory boarding school that is located within the territory of the District.

At the same time the Board makes the offer to lease or sale, the Board may, but is not required to, offer the property for lease or sale to the governing authority of any community school with plans, as stated in applicable contracts, either to relocate to or add facilities in the District.

3. Any subsequent lease or sale of the property shall proceed in accordance with law.
  4. If no governing authority or board of trustees accepts the offer to lease or buy the property within sixty (60) days after the offer is made, the Board may offer the property for sale or lease to any other permissible entity.
- E. Further, the Board may dispose of property upon the majority vote of the members of the Board and a concurring vote of the legislative authority of a municipal corporation, declaring that an exchange of real property held by the District for school purposes for real estate held by the municipal corporation for municipal purposes will be mutually beneficial to both the District and the municipal corporation. The exchange may be made by conveyances that are executed by the President and Treasurer of the Board and the Mayor and Clerk of the municipal corporation, respectively.
- F. The Board President and Treasurer shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this policy.





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### **Donation of Real or Personal Property**

- A. If the School District has property that the Board, by resolution, determines is not needed for school purposes, is obsolete, or is not fit for the use for which it was acquired, the Board may donate the property if the estimated fair market value of such property is \$2,500 or less in the opinion of the Board. The property may only be donated to an eligible 501(c)(3) nonprofit organization located in the State of Ohio and exempt from Federal income taxation under 26 U.S.C. 501(a) and 501(c)(3).
- B. Prior to donating the property, the Board shall adopt a resolution that contains the following:
  - 1. a statement expressing the Board's intent to make unneeded, obsolete or unfit-for-use, District property available to nonprofit organizations;
  - 2. guidelines and procedures the Board considers to be necessary to implement the donation program;
  - 3. an indication of whether the District will conduct such program or by a representative under contract with the Board;
  - 4. contact information for such representative, if the person is known when the resolution is adopted;



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5. a requirement that any nonprofit organization desiring to obtain donated property submit a written notice to the board or its representative that includes:
  - a. evidence that the organization is a nonprofit organization that is located in the State of Ohio and exempt from Federal income taxation;
  - b. a description of its primary purposes;
  - c. a description of the type or types of property the organization needs; and
  - d. the name, address, and telephone number of a person designated by the organization to receive donated property as its agent.
- C. Upon the adoption of the resolution, the Board shall publish at least twice in a newspaper of general circulation, notice of its intent to donate unneeded, obsolete, or unfit-for-use property to eligible nonprofit organizations. The notice must also include a summary of the information provided in the resolution. A similar notice must also be continually posted in the Board's office and on the District's Internet website, if one exists. The second and subsequent notices shall be posted not less than ten (10) and not more than twenty (20) days after the previous notice.
- D. The Board or its representative must 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.



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The list of qualifying property must be continually posted at the same locations at which the resolution creating the program must be posted.

1. An item of property on the list must be donated to the 501(c)(3) organization that first declares to the Board or its representative its desire to obtain the item unless the Board previously established in a separate and distinct resolution, a list of eligible 501(c)(3) organizations that are to be given priority for an item's donation.
  2. The resolution giving priority to certain nonprofit organizations must specify the reasons for giving the organizations this priority. Such priority may be given based on a direct relationship between the purposes of the organization and specific purposes of the programs provided or administered by the Board.
- E. Members of the Board must consult with the Ohio Ethics Commission and comply with R.C. Chapters 102 and 2921 when donating property to a 501(c)(3) organization of which a Board member, his/her family member(s) or a business associate(s) of a Board member is a trustee, officer, Board member, or employee.

#### Proceeds from the Sale of Real Property

When the Board disposes of real property pursuant to R.C. 3313.41, the proceeds received from the sale shall be used to retire any debt that was incurred by the District with respect to that real property. Any proceeds in excess of the funds necessary to retire that debt may be paid into the District's capital and maintenance fund and used only to pay for the costs of non-operating capital expenses related to technology infrastructure and equipment to be used for instruction and assessment.

R.C. 3313.17, 3313.40, 3313.41



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**REVISED POLICY - VOL. 32, NO. 1**

### SCHOOL CALENDAR

**[NOTE: H.B. 59 (2013) changes the way minimum school years are calculated moving from a school calendar that provides for schools to be in session for a specified number of school days, to a school calendar that provides for the schools to be in session for instructional purposes with students in attendance for a total minimum number of hours. This change, however, does not apply to any collective bargaining agreements executed prior to July 1, 2014. Any collective bargaining agreement or renewal executed after July 1, 2014, has to comply with the mandated new minimum school year requirements based upon hours of instruction.]**

The Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District.

The Board shall determine annually the total number of ~~hours~~days when the schools will be in session for instructional purposes **with students in attendance - including scheduled classes, supervised activities and approved education options.** When a recommending school calendar to the Board for its consideration and approval, the Superintendent shall analyze and address the **factors identified in AG 8210.**~~For purposes of receiving State school aid, such days shall be no fewer than 182. Furthermore, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff.~~

At least thirty (30) days prior to adopting a school calendar, the Board shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction. "School day" means the time during a calendar day that a school is open for instruction pursuant to the Board-adopted schedule.

When establishing the school calendar, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The observance shall be at least one (1) hour, or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period. The Board will determine the specific activities that constitute the observance in each school in the District after consultation with the school administrators.





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While the Superintendent may close schools due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations (collectively, "a calamity"), the schools nevertheless must be in session with students in attendance for at least the minimum number of hours required by Ohio law.

~~Prior to September 1st of each year, the Board shall approve the contingency plan the Superintendent prepares for the makeup of at least five (5) school days. The plan shall be in accordance with the terms of Ohio law ( ) and applicable collective bargaining agreements.~~

~~A school day may be waived if the closing is due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations and the number of allowable calamity days has not been exceeded. Any school days lost in excess of the allowable number of calamity days shall be made up in accordance with the approved contingency plan and as provided in Ohio law.~~

~~[ ] — The contingency plan may provide for making up some or all of the days a school is closed or evacuated by increasing the length of other school days in increments of one-half hour.~~

[ ] A regularly-scheduled school day that is reduced in length by no more than two (2) hours due to hazardous weather conditions may be counted as a full school day for the purpose of meeting the minimum number of school **hours** days.

~~[ ] — A regularly-scheduled school day that is reduced in length due to a bomb threat, or any other report of an alleged or impending explosion may be made up in one-half (1/2) hour increments added to other school days.~~

~~[ ] — Kindergarten students must be in school at least one and one-half (1 1/2) hours per day in order to meet the State's minimum standards.~~



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[ ] ~~Prior to August 1st of each year, the Board may submit to the Ohio Department of Education a plan to require students to access and complete classroom lessons posted on the District's web portal or web site in order to make up a maximum of three (3) calamity days. The plan must include the written consent of the teachers' union, and address all of the requirements set forth in R.C. 3313.88. The plan may also include distribution of "blizzard bags," which are paper copies of the lessons posted online.~~ **Prior to August 1st of each year, the Board may submit to the Ohio Department of Education a plan to require students to access and complete classroom lessons posted on the District's web portal or web-site in order to make up hours in that school year on which it is necessary to close school due to a calamity. The maximum number of hours that may be made up in this manner is the number of hours that are the equivalent to three (3) school days. The plan must include the written consent of the teachers' union, and address all of the requirement set forth in R.C. 3313.482. The plan may also include distribution of "blizzard bags," which are paper copies of the lessons posted online.**

[ ] The school calendar and the number of **hours**days of student instruction shall be consistent with the provisions of the collective bargaining agreements between the District and its employees.

| R.C. 3313.602, 3313.48, 3313.62, 3313.63, 3317.01 (B), 3313.482, ~~3313.88~~



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**NEW POLICY - VOL. 32, NO. 1**

**ANIMALS ON DISTRICT PROPERTY**

**Introduction**

The Board of Education recognizes that there are many occasions when animals are present on District 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 District 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 35.104, "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."



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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 District 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.

### **Animals in Schools and Elsewhere on District Property**

Animals permitted in schools and elsewhere on District 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 who has a 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 Principal may permit 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 an animal in his/her 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,





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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 an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

### **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 Board does not assume responsibility for training, daily care, or healthcare ( ) or supervision of service animals. The 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 District property or at District-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 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 District property; and



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- 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 Principal 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 Principal 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 has demonstrated that it is not sufficiently housebroken, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal 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 Principal'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 his/her parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights.



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### **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 his/her 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 his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall comply with the following:

- A. The ☒ Principal ( ) Transportation Supervisor ( ) \_\_\_\_\_ shall meet with the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, and the driver and bus assistant, if any. The student and his/her parents, or eligible student, and the handler, if s/he 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 Principal shall make arrangements for the student and his/her parents, or eligible student, and the handler, if s/he 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.





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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 s/he 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 his/her 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

( ) Transportation Supervisor.

~~( )~~ Principal.

( ) \_\_\_\_\_.

Although transportation may be suspended for the service animal, it remains the District'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.





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## **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 District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Principal 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 District's facilities on a regular basis.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her 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 his/her 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.

28 C.F.R. 35.104

Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)

The Americans with Disabilities Act, as amended (ADA)

The Individuals with Disabilities Education Improvement Act (IDEIA)

R.C. 955.43

R.C. 1717.01



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**REVISED POLICY - VOL. 32, NO. 1**

**ENVIRONMENTAL HEALTH AND SAFETY ISSUES**

The Board of Education recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

**STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY**

The District shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the District, and promotes and incorporates the following:

- A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of District facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a District-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and District safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the District.



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- C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.
- D. Procedures related to District employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.
- E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

### **PHASE-OUT/BANNED PRODUCTS**

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

### **ANIMALS IN CLASSROOMS**

~~Use of animals in classrooms shall be limited to that necessary to support the educational mission, 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. Animals in classrooms shall be kept in a healthy condition in appropriate cages or tanks, which are kept clean (see AG 8405A).~~



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~~Owners of pets (see AG 8405A) and service animals (see AG 9160B) brought on school property are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.~~

### **INDOOR ENVIRONMENTAL QUALITY (IEQ)**

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks
- B. structural defects in the building
- C. improperly controlled humidity levels
- D. faulty HVAC systems

As preventative measures, the District shall do the following:

- A. address prevention of water intrusion as a priority indoor air quality (IAQ) issue and implement strategies toward its elimination
- B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards
- C. implement a preventative maintenance program for HVAC systems which shall include, but not be limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment





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- D. implement a system for insuring materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to the health hazards to employees and students by degrading the quality of indoor air

In addition, activities that create indoor air quality health hazards shall not be permitted

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified (see AG 8405).

### **DIESEL EXHAUST AND SCHOOL BUS IDLING**

In accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the recommended steps to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reducing bus idling time and reinforcing smart driving practices.

The Superintendent shall develop the administrative guidelines necessary to establish these practices in the District (see AG 8615).



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### **POLLUTION CONTROL AND PREVENTION**

In an effort to comply with environmental policy and applicable regulations, the District shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

#### **SEE ALSO THE FOLLOWING RELATED POLICIES:**

Policy 7430 - Risk Reduction Program  
Policy 8410 - Crisis Intervention  
Policy 8420 - Emergency Situations at Schools  
Policy 8431 - Preparedness for Toxic Hazard and Asbestos Hazard  
Policy 8442 - Reporting Accidents  
Policy 8450 - Control of Casual-Contact Communicable Diseases  
Policy 8453 - Direct Contact Communicable Diseases  
Policy 8453.01 - Control of Blood-Borne Pathogens

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**REVISED POLICY - VOL. 32, NO. 1**

**STUDENT ABUSE AND NEGLECT**

The Board of Education is concerned with the physical and mental well-being of the students of this District 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 his/her 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.

[ ] The Board official and employee making the report shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect.

( ) and shall secure prompt medical attention to any such injuries reported.

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.



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In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6. In order to develop programs that are appropriate and effective, the Superintendent is authorized to consult with public and/or private agencies or individuals involved in child abuse prevention and intervention. In addition, the Superintendent shall provide a program of in-service education on school safety, **and violence prevention including human trafficking content, youth suicide awareness and prevention, and** prevention of child abuse, violence and substance abuse and promotion of positive youth development, including a review of Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, for

( ) all elementary, middle and high school staff members

**OR**

( ) all nurses, teachers, counselors, school psychologists and administrators who work in the District's elementary, middle and high schools.

**[SELECT OPTION 1 OR OPTION 2]**

☒ **The Board shall adopt or adapt the suicide awareness and prevention curriculum developed by the Ohio Department of Education (ODE).**

**OR**

☐ **The Board shall develop the suicide awareness and prevention curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.**

**[END OF OPTIONS]**





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The in-service education provided to middle and high school employees shall include training in the prevention of dating violence.

All newly-employed

- ( ) professional staff

**OR**

- ( ) nurses, teachers, counselors, school psychologists and administrators who work in the District's elementary, middle and high schools

shall complete at least four (4) hours of in-service training within two (2) years of the date of employment. Further, all middle and high school

- ( ) staff members

**OR**

- ( ) nurses, teachers, counselors, school psychologists and administrators

employed by the District as of October 16, 2009, must complete the initial four (4) hours of in-service training no later than October 16, 2011. Additional training must occur every five (5) years thereafter.

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.

R.C. 2151.421, 3313.60, 3319.073



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**REVISED POLICY - VOL. 32, NO. 1**

**WELLNESS**

As required by law, the Board of Education establishes the following wellness policy for the \_\_\_\_\_ School District as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

- A. With regard to nutrition education, the District shall:

**[Select one or more of the following:]**

- ( ) Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
- ( ) Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.



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- ( ) Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
- ( ) Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
- ( ) The standards and benchmarks for nutrition education shall be behavior focused.
- ( ) Nutrition education shall include enjoyable, developmentally appropriate and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.
- ( ) Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.
- ( ) Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
- ( ) Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.
- ( ) The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.
- ( ) Nutrition education shall extend beyond the school by engaging and involving families and the community.
- ( ) Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
- ( ) Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.



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- ( ) Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.
- ( ) Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.
- ( ) Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.
- ( ) The District shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.





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B. With regard to physical activity, the District shall:

**[It is recommended that one (1) or more of the following be selected from both categories:]**

1. Physical Education

- ( ) A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.
- ( ) The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- ( ) Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.
- ( ) Planned instruction in physical education shall promote participation in physical activity outside the regular school day.
- ( ) All students in grades K-12, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive daily physical education for the entire school year, for at least 150 minutes per week for K-5 students and at least 225 minutes per week for students in grades 6 - 12.

**[The National Association for Sport and Physical Education (NASPE) defines a quality physical education program in the terms and minutes specified above.]**



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- ( ) All students in grades \_\_\_\_ - \_\_\_\_, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for \_\_\_\_\_ (\_\_\_\_) minutes ( ) **daily** ( ) \_\_\_\_\_ **days per week** for the entire school year.
- ( ) All students, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for \_\_\_\_\_ (\_\_\_\_) minutes ( ) **per day** ( ) \_\_\_\_\_ **days per week** for at least \_\_\_\_\_ semesters in grades \_\_\_\_ -12.
- ( ) The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- ( ) ~~Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate motor skills and social skills, as well as knowledge.~~ **Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes and skills necessary to engage in lifelong, health-enhancing physical activity.**
- ( ) The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.
- ( ) The K-12 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.



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- ( ) Planned instruction in physical education shall require students to be engaged in moderate to vigorous physical activity for at least fifty percent (50%) of scheduled class time.
- ( ) Teachers properly certificated/licensed in the subject area of physical education shall provide all instruction in physical education.
- ( ) Professional development opportunities should focus on the physical education content area.
- ( ) All physical education classes shall have a student/teacher ratio comparable to the student/teacher ratio in other curricular areas.

**[NASPE includes this option in the definition of a quality physical education program.]**

- ( ) Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- ( ) Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
- ( ) Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying or harassment of any kind.
- ( ) Planned instruction in physical education shall include cooperative as well as competitive games.
- ( ) Planned instruction in physical education shall take into account gender and cultural differences.

( ) **On an annual basis, physical education teachers shall review and affirm receipt of the Ohio Department of Health's concussion information sheet.**





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(125) Physical Education teachers shall remove from class participation any student who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury. The Principal and/or teacher shall notify parents or guardians about the possible concussion or head injury.

(125) Any student who has been removed from physical education class participation because s/he has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to physical education class until the student's condition is assessed by a physician, and the physician gives the student written clearance that it is safe to return to class.

( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.





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( ) other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

( ) other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Physical Activity

( ) Physical activity ( ) **shall** ( ) **should** not be employed as a form of discipline or punishment.

( ) Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

( ) Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.

( ) All students in grades K- 5/6 shall be provided with a daily recess period at least \_\_\_\_\_ (\_\_\_\_) minutes in duration. Recess shall not be used as a reward or punishment.

**[NASPE's recommendation is that all elementary school students should be provided with at least one daily period of recess for a minimum of twenty (20) minutes.]**

( ) The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.



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- ( ) The school shall encourage families and community organizations to help develop and institute programs that support physical activity of all sorts.
- ( ) The school shall provide students in grades \_\_\_\_ - \_\_\_\_ with the opportunity to use physical activity in which they participate outside the regular school day (other than organized interscholastic athletics) to satisfy physical activity requirements.
- ( ) In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.

**[This is a NASPE recommendation in their position statement on Comprehensive School Physical Activity Programs (2008).]**

- ( ) All students in grades \_\_\_\_ - \_\_\_\_ shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.
- ( ) All students in grades \_\_\_\_ -12 shall have the opportunity to participate in interscholastic sports programs.
- ( ) Schools shall offer a wide range of physical activities outside the regular school day that meet the needs, interests, and abilities of all students, including males, females, students with disabilities, and students with special health care needs.
- ( ) All before/after-school programs shall provide developmentally appropriate physical activity for the students who participate.



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( ) Schools shall discourage extended periods of student inactivity, without some physical activity.

( ) other: \_\_\_\_\_

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

( ) other: \_\_\_\_\_

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

( ) other: \_\_\_\_\_

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

C. With regard to other school-based activities the District shall:

**[Select one or more of the following:]**

( ) The schools shall provide at least \_\_\_\_ (\_\_) minutes daily for students to eat.

( ) The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.

( ) The school shall provide attractive, clean environments in which the students eat.

( ) Students at \_\_\_\_\_ **[insert name(s) of building(s)]** are not permitted to have drinks in the classroom.



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- ( ) Students at \_\_\_\_\_ **[insert name(s) of building(s)]** are permitted to have bottled water only in the classroom.
- ( ) Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
- ( ) Schools ( ) **may** ( ) **shall** limit the number of celebrations involving serving food during the school day to no more than \_\_\_\_\_ ( ) party(ies) per class per month.
- ( ) Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.
- ( ) An organized wellness program shall be available to all staff.
- ( ) The schools ( ) **shall** ( ) **may** use environmentally friendly practices, such as the use of locally grown foods and non-disposable tableware and dishes.
- ( ) The schools ( ) **shall** ( ) **may** provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.
- ( ) The schools ( ) **shall** ( ) **may** demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
- ( ) Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.





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( ) Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

( ) other: \_\_\_\_\_  
\_\_\_\_\_

( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. With regard to nutrition promotion, the District shall:**

(1) encourage students to increase their consumption of healthful foods during the school day;

(1.5) create an environment that reinforces the development of healthy eating habits, including offering the following healthy foods:

( ) a variety of fresh produce to include those prepared without added fats, sugars, refined sugars, and sodium;

( ) a variety of vegetables daily to include specific subgroups as defined by dark green, red/orange, legumes, and starchy;

( ) whole grain products - half of all grains need to be whole grain-rich upon initial implementation and all grains must be whole grain-rich within two (2) years of implementation;

( ) fluid milk that is fat-free (unflavored and flavored) and low-fat (unflavored);

( ) meals designed to meet specific calorie ranges for age/grade groups;



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- ☐ eliminate trans-fat from school meals;
  - ☐ require students to select a fruit or vegetable as part of a complete reimbursable meal;
  - ☐ designate wellness champions at each school that will promote resources through the District's website for wellness for students, families and the community;
  - ☐ provide opportunities for students to develop the knowledge and skills for consuming healthful foods.
- ☐ The District nutrition department will promote and encourage Farm to School efforts in order to provide the healthy foods identified above.
- ☐ By the \_\_\_\_\_ school year, all foods and beverages sold as fund-raisers outside of the school meals program during the regular and extended school day shall meet the USDA Competitive Food regulations and the Alliance for A Healthier Generation's Competitive Foods and Beverages Guidelines.
- ☐ Rewarding children in the classroom should not involve candy and other foods that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.
- ☐ **Promotions/Partnerships:**
- ☐ Through partnership with \_\_\_\_\_ [insert local running organization] each school has the opportunity to earn \_\_\_\_\_ [identify dollar amount or other gift] to start and implement a mileage or running club.
  - ☐ Through USTA partnerships, each K-12 school has the opportunity to receive more than \_\_\_\_\_ [insert dollar amount] worth of equipment to teach and implement tennis appropriate to grade level in the curriculum.





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- ( ) **Through community partnerships, the elementary schools will receive training and equipment to implement \_\_\_\_\_ [insert name of a golf program; e.g., First Tee Golf] into the curriculum.**
  - ( ) **Through grants from \_\_\_\_\_ [insert source of grants] and local businesses, each elementary school has the opportunity to implement \_\_\_\_\_ [insert name of local bike safety program].**
  - ( ) \_\_\_\_\_
  - ( ) \_\_\_\_\_

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

**[It is recommended that one (1) or more of the following be selected:]**

- ( ) The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- ( ) The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well.
- ( ) All foods available on campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, from vending machines, for classroom parties, or at holiday celebrations.



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- ( ) All foods available to students in the dining area during school food service hours shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods available to student a la carte or from vending machines.
- ( ) Beginning with \_\_\_\_ - \_\_\_\_ school year, all foods available to students on campus during the school day and outside school food service hours shall comply with the current USDA Dietary Guidelines for Americans, including foods available to students as classroom snacks, from vending machines for fund raisers, for classroom parties, or at holiday celebrations.
- ( ) All foods available on campus at any time shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as well as foods that are served as classroom snacks, from vending machines, for fund raisers, for classroom parties, at holiday celebrations, at concession stands, or at any school-related event.
- ( ) The school food service program ( ) **may** ( ) **shall** involve
  - ( ) students,
  - ( ) parents,
  - ( ) staff,
  - ( ) school officialsin the selection of competitive food items to be sold in the schools.
- ( ) Nutrition information for competitive foods available during the school day shall be readily available near the point of purchase.
- ( ) All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.
- ( ) Any food items sold ( ) **on campus** as a fund raiser shall meet the current USDA Dietary Guidelines for Americans.





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- ( ) The school shall prepare and distribute to staff, parents, and after-school program personnel a list of snack items that comply with the current USDA Dietary Guidelines for Americans.
- ( ) Each classroom party held during the school day may include no more than one (1) food or beverage that does not meet the current USDA Dietary Guidelines for Americans.
- ( ) The food service program shall be administered by a qualified nutrition professional.
- ( ) The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- ( ) All food service personnel shall receive pre-service training in food service operations.
- ( ) Continuing professional development shall be provided for all staff of the food service program.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- ( ) other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The Board designates ( ) the Superintendent ( ) the Building Principals as the individual(s) charged with operational responsibility for measuring and evaluating the District's implementation and progress under this policy. The Superintendent shall develop administrative guidelines necessary to implement this policy.



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The Superintendent shall appoint a District-wide Wellness Committee that includes parents, students, representatives of the school food authority, educational staff (including physical education teachers), school health professionals, members of the public, and school administrators to oversee development, implementation, evaluation and periodic update of this policy. The Wellness Committee shall be an ad hoc committee with members recruited and appointed annually.

The Wellness Committee shall be responsible for:

- A. assessment of the current school environment;
- B. review of the District's Wellness policy;
- C. presentation of the Wellness policy to the Board for approval;
- D. measurement of the implementation of the policy; and
- E. recommendation for the revision of the policy, is necessary.

Before the end of each school year, the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate.

The Superintendent shall report annually to the Board on the Wellness Committee's progress and on its evaluation of the policy's implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining the policy's goals.



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The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. ~~In order to inform the public, the Superintendent shall:~~

- ( ) distribute information at the beginning of the school year to families of school children;
- ( ) include information in the student handbook;
- ( ) \_\_\_\_\_ [insert other methods of informing the public];

~~and~~ <sup>and</sup> post the policy on the District's website, including the Wellness Committee's assessment of the policy's implementation.

~~The Superintendent shall report on the District's compliance with this policy and the progress toward achieving the goals set forth herein when requested to do so by the Board.~~

~~[ ] \_\_\_\_\_ Review of this policy shall occur every \_\_\_\_\_ years, by a committee appointed by the Board, consisting of a representative(s) of the Board, the administration, the food service provider, the parents, the students, and the public. The committee shall provide the Board with any recommended changes to this policy.~~

42 U.S.C. 1751, Sec. 204  
42 U.S.C. 1771

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**REVISED POLICY - VOL. 32, NO. 1**

**PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The Board of Education welcomes and encourages members of the community to attend athletic and other public events held by the schools in the District. Due to the need to maintain order and preserve the facilities of the District during the conduct of such events, the Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. In accordance with Board Policy 7440 and AG 7440B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

- [ ] No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed
  - ( ) at any function sponsored by the District.
  - ( ) at any function occurring on Board property.
- [ ] Raffles and similar forms of fund-raising by District-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - District Support Organizations and Policy 9700 - Relations with Special Interest Groups.

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.





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If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See **Policy 8390** ~~also AG 9160B~~)

Smoking and/or the use of tobacco and/or tobacco substitute products is prohibited at any time within any enclosed facility owned or leased or contracted for by the Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. Such prohibition also applies to:

- ( ) school grounds,
- ( ) any school-related event,
- ( ) except at designated times
- ( ) and in designated areas as defined in statute and by Ohio's Smoke Free Workplace Program.

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the District. If the performance is of copyrighted material and the necessary license has not been secured in advance by the District, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.



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The Board authorizes the Superintendent to establish rules and procedures governing the use of nondistrict audio/visual recording equipment at any District-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event, must obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events must contain the following statement:

"In accordance with State and Federal law, the District will provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify \_\_\_\_\_ if they require a reasonable accommodation."

R.C. 955.43, 1716.02, 1716.03

28 C.F.R. Part 35

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S. C. 12101 et seq., Americans with Disabilities Act of 1990, as amended



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**REVISED POLICY - VOL. 32, NO. 1**

**EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS**  
**(HOME SCHOOLING)**

The Board of Education encourages the enrollment of all school age children resident in this District in public schools or in approved parochial or private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in an approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

| A parent electing to home educate a child shall provide the ~~(( ))~~ESC Superintendent with annual written notification. The notification must include certain specific information and assurances concerning the home education program as set forth in State law, the State Department of Education Regulations, and AG 9270.

| The ~~(( ))~~ESC Superintendent will excuse the child from attendance for home education purposes upon satisfactory showing that the child is being home educated by a person qualified to teach the branches in which instruction is required as referenced in AG 9270, and such additional branches, as the advancement and needs of the child may, in the opinion of the ~~(( ))~~ESC Superintendent, require.

| The ~~(( ))~~ESC Superintendent shall provide ~~(( ))~~Superintendent shall develop and implement) administrative guidelines that **verify**~~ensure~~ that, prior to a child being excused from attendance for home education purposes, all requirements specified in the State Department of Education regulations and the conditions established in Policy 5463 - Credits from State-Chartered, Special, and Nonchartered Schools have been met.



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### **Option #1**

~~[ ] — The Board shall not allow a student who is being educated at home~~

~~( ) — or at a nondistrict school~~

~~to participate in any of the District's co-curricular or extra-curricular activities.~~

### **Option #2**

~~[ ] — The Superintendent may allow a student who is being educated at home~~

~~( ) — or at a nondistrict school~~

~~to participate in one or more of the District's co-curricular or extra-curricular activities providing s/he meets the eligibility criteria established for an activity.~~

A student who is educated at home is permitted to participate in any extracurricular activity offered in the school district to which the student would otherwise be assigned during the school year. If the District operates more than one (1) school that serves the student's grade level (as determined by the student's age and academic performance), the student shall be permitted to participate in the extracurricular activities at the school to which the student would be assigned by the Superintendent pursuant to R.C. 3319.01. If the student elects to participate in an extracurricular activity offered by the District, the student is not allowed to participate in that activity at another school or school district to which the student is not entitled to attend.

Similarly, a student who is enrolled in a nonpublic school is entitled to participate in any extracurricular activity not offered by the nonpublic school in the school district to which the student would otherwise be assigned during the school year. If the District operates more than one (1) school that serves the student's grade level (as determined by the student's age and academic performance), the student shall be permitted to participate in that extracurricular activity at the school to which the student would be assigned by the Superintendent pursuant to R.C. 3319.01.





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The Superintendent may allow a student who is educated at home and not entitled to attend school in the District pursuant to R.C. 3313.64 or 3313.65, to participate in any extracurricular activity offered by the District if the district to which the student is entitled to attend does not offer that extracurricular activity.

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The Superintendent may allow a student who is enrolled in a nonpublic school and not entitled to attend school in the District pursuant to R.C. 3313.64 or 3313.65, to participate in any extracurricular activity offered by the District if (a) the nonpublic school in which the student is enrolled does not offer the extracurricular activity, and (b) the extracurricular activity is not interscholastic athletics or interscholastic contests or competitions in music, drama or forensics.

### Eligibility Requirements

In order to participate in any extracurricular activity as detailed above, a student being educated at home or enrolled in a nonpublic school must be the appropriate age and grade level for the school that offers the extracurricular activity and must fulfill the same academic, nonacademic, and financial requirements as any other participant as specified in Board policy, administrative guidelines, the student handbooks and/or the Athletic Handbook. A student educated at home must meet the following academic requirements:

- A. If the student received home instruction in the preceding grade period, the student shall meet any academic requirements established by the State Board of Education for the continuation of home instruction.
- B. If the student did not receive home instruction in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the District.
- C. Eligibility for a student who leaves a school district mid-year for home instruction shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in the District.



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- D. Any student who commences home instruction after the beginning of a school year and who is, at the time home instruction commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the District shall not participate in the extracurricular activity until the student meets the academic requirements established by the State Board of Education for continuation of home instruction as verified by the Superintendent. No student shall be eligible to participate in the same semester in which the student as determined ineligible.

No eligible home schooled or nonpublic school student will be charged any fees in excess of those fees charged to other students for participation in the same extracurricular activity.

R.C. 3313.5311, 3313.5312, 3321.03, 3321.04  
A.C. 3301-34

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**REVISED POLICY - VOL. 32, NO. 1**

**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 must be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the Board of Education that students, staff members, and District facilities not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

**A. Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the

( ) Board of Education

( ) Superintendent

( ) principal

on the basis of their

( ) educational contribution to part or all of the school program,

( ) benefit to students,

and no such approval shall have the primary purpose of advancing the special interest of the proposing group.





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**[SELECTION OF THE FIRST OPTION PRECLUDES SELECTION OF THE SECOND OPTION]**

**Option #1**

- ☐ The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.
- ☐ School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertises or promotes a political party, a political cause or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

**[END OF OPTION #1]**

**Option #2**

- ☐ The Board shall permit the use of educational materials, programs, and equipment which contains commercial messages providing the content of such messages and the manner of presentation has been approved by the Superintendent and is in compliance with the District's administrative guidelines.
- ☐ In addition, the Board shall permit school organizations and/or school-affiliated groups to sell space in District facilities, on District property, or in District publications for the express purpose of advertising the products or services of a commercial organization, providing the content of such advertisements and the manner of their presentation has been approved by the Superintendent and is in compliance with the District's administrative guidelines.

**[END OF OPTION # 2]**





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- [ ] Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the District.

**B. Contests/Exhibits**

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

- ( ) have the primary effect of advancing a special product, group, or company;
- ( ) make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
- ( ) involve any direct cost to the District;
- ( ) interrupt the regular school program;
- ( ) unless the student body as a whole derives benefit from such activities;
- ( ) cause the participants to leave the School District, unless:
  - ( ) the Board's Policy 2340 - Field and Other District-Sponsored Trips - has been complied with in all aspects;
  - ( ) the Board has granted special permission;
  - ( ) the parents of a minor student have granted their permission.



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### C. Distribution/Posting of Literature

[ ] No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours

( ) without the permission and prior review of the

( ) Superintendent.

( ) principal.

( ) Board.

The Superintendent shall **develop**~~establish~~ administrative guidelines ~~which ensure that~~:

( ) ~~criteria established in Policy 5722—Student Publications and Productions—are used to make a decision regarding materials that students seek to post or distribute;~~ **establish criteria concerning distribution or posting of student materials;**

( ) **address** distribution or posting of materials employees wish to distribute on behalf of an employee organization **in compliance**~~comply~~ with the terms of negotiated collective bargaining agreements;

( ) **prohibit the use of** the District or the school mail system is ~~not used~~ by the community, students or staff for distribution of nonschool-related materials;

( ) unless authorized by the Superintendent

( ) **prohibit distribution of** ~~no~~ materials from any profit-making organization ~~are distributed for~~ **to** students to take home to their parents;

( ) unless authorized by the Superintendent



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( ) **permit** flyers and notices from outside non-profit organizations ~~to may be~~ made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:

- a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;
- b. if the event or activity is religious in nature, the flyer may not contain a proselytizing message (i.e., a **message that promotes and/or advocates** the benefits of the specific religion);
- c. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;
- d. the organization shows the building principal its 501(C)(3) or other proof of non-profit status, and the principal confirms that the flyer/notice does not overtly advocate or entice support for any religious organization;

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

( ) **establish and clearly communicate** the time, place, and manner **restrictions concerning the** ~~of-distribution of all nonschool-related materials—is clearly established and communicated;~~



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**D. Solicitation of Funds**

**Option #1**

Because the District cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the District to solicit funds on District property.

**Option #2**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the

- ☐ Board.
- ☐ Superintendent.

**[END OF OPTIONS]**

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

- ☐ The Board disclaims all responsibility for the protection of, or accounting for, such funds.
- ☐ Solicited funds are not to be deposited in any regular or special accounts of the District.
- ☐ A copy of this policy as well as the relevant administrative guidelines shall be given to any individual granted permission to solicit funds on District property.
- ☐ This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.





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#### E. Prizes/Scholarship

The Board of Education is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

( ) No information

( ) either academic or personal

shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.

( ) The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the

( ) Board of Education.

( ) Superintendent.

( ) principal.

( ) The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient.

( ) and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.



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**F. Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the School District, the Board requires that:

- ( ) the organization have a purpose which will benefit the School District and its students;
- ( ) the organization's planned activities are clearly in the best interest of the School District and its students;
- ( ) the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.



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**G. Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

- [ ] Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from the students by the providers of the services.

See also Policy 2416 and AG 2416.

R.C. 3313.75-.78

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