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NEW POLICY - VOL. 34 NO. 2

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DISCLOSURE OF SECURITY POLICY AND CRIME STATISTICS
(CLERY ACT)

Title IV §

As a postsecondary school participating in Title IV financial aid programs, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), requires the Board of Education to publish an annual security report containing policies and statistical information of crimes that occurred on campus and on public property within and immediately adjacent to school-owned buildings and property.

In compliance with this, the Board shall publish to all post-secondary adult education students and employees, and to any applicant for enrollment or employment, upon request, an annual security report containing at least the following information with respect to the District's security policies and campus crime statistics:

- A. A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
- B. A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- C. To the extent applicable, a statement of current policies concerning campus law enforcement, including:
 1. the law enforcement authority of campus security personnel;
 2. the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and



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3. policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.
- D. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- E. A description of programs designed to inform students and employees about the prevention of crimes.
- F. Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the two preceding calendar years for which data are available:
 1. For the following criminal offenses reported to campus security authorities or local police agencies:
 - a. murder
 - b. sex offenses, forcible or non-forcible
 - c. robbery
 - d. aggravated assault
 - e. burglary
 - f. motor vehicle theft
 - g. manslaughter
 - h. arson
 - i. arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession



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2. Of the crimes described in sub-clauses 1. through 9. above, for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, the data shall be collected and reported according to category of prejudice.
 3. The data concerning the above listed criminal offenses shall be reported annually to the Secretary of the U.S. Department of Education. The same shall be reported to the school community on a timely basis that will aid in the prevention of similar occurrences. Such data shall not identify victims of crimes or persons accused of crimes. The data shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act.
- G. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities, if applicable.
- H. A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs.
- I. A statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained.



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- J. A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to:
1. immediately notify the campus community after the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus, unless issuing a notification will compromise efforts to contain the emergency;
 2. publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
 3. Test emergency response and evacuation procedures on an annual basis.
- K. A copy of this policy shall be provided with any report pursuant to this policy.

DEFINITIONS

For purposes of this policy:

- A. The term "campus" means:
1. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
 2. property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).



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- B. The term "non-campus building or property" means:
1. any building or property owned or controlled by a student organization recognized by the institution; and
 2. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
 3. any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- C. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.



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PROGRAMS

In accordance with 20 U.S.C. 1092(f)(8), the Board will provide programs regarding the prevention of domestic violence, dating violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. These educational programs may include, but are not limited to, informing students at least annually of this information and of services offered by the Board and local law enforcement agencies as well as ways to maintain personal safety and security on District property. As needed, students are told about crime on campus and in surrounding neighborhoods. Similar information is also provided to employees. Crime prevention and sexual misconduct prevention programs are available on an ongoing basis and focus on personal safety.

The primary prevention and awareness programs for all incoming students and new employees are provided during orientation. The programs will include community-wide or audience specific programming, initiatives, and strategies that increase student and employee knowledge and will share information and resources to prevent violence, promote safety, and reduce perpetration. The primary prevention and awareness programs will also include:

- A. a statement that the District prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- B. training on recognizing "dating violence", "domestic violence", "sexual assault", and "stalking";
- C. a description of safe and positive options for bystander intervention. These are safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;



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- D. information on risk reduction which are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- E. a description of District's ongoing prevention and awareness campaigns for students and employees. These are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout District post-secondary adult education programs.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. This information may be provided in a variety of ways such as videos, speakers, announcements, electronic and cellular communications, security and safety alerts, or written materials such as crime prevention awareness packets.

INCIDENT REPORTS AND INVESTIGATIONS

Once an incident of dating violence, domestic violence, sexual assault, or stalking has been reported, the District will use follow the procedures set forth in Policy 5517.

If a violation is substantiated, appropriate measures will be taken, including appropriate discipline of the perpetrator(s) and accommodations or protective measures for the victim(s).



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Students who have been the victim of a sexual offense covered by this policy should report to local law enforcement immediately. Prompt reporting is important to preserve evidence as well as witness recollection. Once reported to law enforcement, the student should report the incident to _____ at _____.

[Drafting Note: It is strongly recommend inserting the names and positions of the administrators who have been identified as the "Anti-Harassment Compliance Officers" under Policy 5517]

Staff members not designated to receive reports who otherwise receive a report from a student should immediately report such incident to the individuals identified above, or to their direct supervisor if a compliance officer is not available.

The District's normal disciplinary procedures will be followed for imposing discipline where warranted. In all disciplinary hearings, the accused and the accuser shall both have the right to representation or to have others present at such hearing for support. Both the accused and the accuser will be informed of the outcome of any investigation and disciplinary procedure, to the extent permitted by laws concerning the confidentiality of student records.

The District will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the District and the community.

The District will provide notification to students about options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

The Violence Against Women Reauthorization Act of 2013 Amendments to the Jeanne Clery Act, 20 U.S.C. 1092(f).



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INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of a student with a disability, as defined by the Individuals with Disabilities Education Improvement Act ("IDEIA"), have the right to obtain an independent educational evaluation ("IEE") subject to the criteria set forth in this Policy. Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the District. Evaluation for this purpose refers to the complete evaluation from the District, not to individual components of an evaluation. A parent is only entitled to one (1) publicly-funded IEE per evaluation with which the parent has disagreed. The District may file a due process complaint if it believes that the disputed evaluation is appropriate. ~~N~~) If the request for an IEE comes one (1) year or more from the date of completion of the District's evaluation, the District may seek to complete a reevaluation prior to granting the parents' request for an IEE.

An IEE is an evaluation conducted by a qualified person who is not a regular employee of the District. The law providing for IEEs does not impose requirements on the District to accept findings or to implement recommendations set forth in IEEs. The results of an IEE will be considered by the IEP team, along with other data, as long as the evaluation meets certain criteria.

If a parent requests an IEE at public expense, the parent may be asked for a reason why he/she objects to the District's evaluation. Unless the District chooses to initiate a due process hearing, the District will respond to the parents' request in a manner that allows the IEE to be provided at public expense in a timely manner.



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Evaluations are designed to meet the individual needs of a child. As a result, each evaluation is different. The law allows the District to impose criteria that all IEEs must meet. These criteria are the same as the District uses when it initiates an evaluation. All IEEs, regardless of who funds them, must meet the following criteria:

- A. The evaluator must be qualified and able to perform an unbiased evaluation. Qualifications include both a college degree and the appropriate license, certificate, or other credential for his/her area of practice. ~~Y~~ See AG 2460.03.
- B. The evaluator must have experience or specialized training to work with children with disabilities.
- C. The evaluation must take place within 70 mi. [insert geographic limitation]. This requirement may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents demonstrate the necessity of using an evaluator outside the specified geographic area.



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- D. If publicly-funded, the cost of the evaluation must be within the range of reasonable market prices for such an evaluation. The reasonable market price will vary based upon each child's unique needs. **[NOTE: SELECT EITHER OPTION A OR OPTION B]** **[OPTION A]** ~~**[X]**~~ However, all evaluations that cost a total of \$_____ **[insert dollar amount]** or less will be deemed to be within the reasonable market range. An evaluation that will cost more than this threshold must be discussed with the District in advance for an individual determination of whether it is reasonable. **[END OF OPTION A]** **[OPTION B]** ~~**[X]**~~ The cost of the IEE will be based upon some of the following criteria: (a) the amount of testing to be done; (b) the time it takes to administer each test; and (c) the time it takes to interpret and write up a meaningful report. () The cost of the IEE shall not exceed the maximum fees identified in AG 2460.03 without prior consent of the Superintendent or his/her designee. **[END OF OPTION B]** Unreasonable costs for travel, lodging, etc., will not be reimbursed. Costs above customary amounts will be approved only if the parent demonstrates that the costs reflect a reasonable and customary rate for such evaluative services, or if the parents demonstrate that there are other factors that make the extraordinary costs necessary. The District must be provided with a copy of a detailed bill itemizing all charges and costs of the IEE and related report, the amount of time in hours/minutes spent conducting and preparing the IEE and related report, the times spent on any other services billed to the District, and indicating specifically what person or persons performed each task or item billed to the District. A copy of the IEE report and the detailed bill must be submitted to the District within sixty (60) days of the date of completion of the IEE.



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- E. The evaluator must make at least one (1) thirty (30) minute observation of the child in his/her educational setting. If the child receives any services at a District-operated school, one (1) observation must be conducted at the school.
- F. The observation requirement will be waived for any evaluation that is presented strictly for purposes of clinical diagnosis of a disability.
- G. The complete written evaluation results must be delivered directly from the evaluator to the District. Evaluation reports that have been redacted, altered from their original form, or contain incomplete or missing information are not accepted. The parent must sign a release of the parent's right to confidentiality of information and a release of any privilege regarding information related to the IEE to permit consultation and discussion between District staff and the independent examiner with regard to the IEE.
 - [] The District may request that the evaluator attend the IEP team meeting to present the results of his/her evaluation.
- H. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the evaluation must be educationally relevant and realistic within an educational setting.

A parent who seeks a waiver from any of the criteria in this policy must present evidence to the IEP team that the child's unique disability requires the waiver. The Superintendent may waive application of one (1) or more of the criteria set forth above when the Superintendent determines that the individual needs of the child and unique circumstances justify such a waiver. Parents will be provided the opportunity to demonstrate these unique circumstances to the Superintendent.

The results of the IEE will be considered in making educational decisions as required by the IDEIA and/or Section 504 of the Rehabilitation Act of 1973.



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In order for an IEE to be publicly-funded, the parent must disagree with an evaluation that has been conducted by the District.

Upon request, the District will provide a parent with information regarding where an IEE may be obtained. This information will differ based on the unique needs of each child and may not be an exhaustive list.

34 C.F.R. 300.502
A.C. 3301-51-05

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REVISED POLICY - VOL. 34, NO. 2

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles.
- E. The term *CDL license holder* means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.



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- F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Board expects all CDL license holders to comply with Board Policy 4122.01 on Drug Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opiates
- D. Amphetamines
- E. Phencyclidine (PCP)

| [] **OPTION #1**

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, **(Controlled Substances Only)**, b.) for reasonable cause, c.) upon return to duty after any alcohol or drug rehabilitation, d.) after any accident, e.) on a random basis, and f.) on a follow-up basis.



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| [] OPTION #2

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, b.) for reasonable cause, c.) upon return to duty after any alcohol or drug rehabilitation, d.) after any accident, e.) on a random basis, and f.) on a follow-up basis.

[] Candidates shall also be tested for the presence of alcohol in their system prior to employment.

[END OF OPTIONS]

Any staff member who tests positive shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle) and be referred to the District's Employee Assistance Program.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

- () the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program.
- () the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).



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Staff member who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program, and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

x only change

- A. reports for duty or performs work while having an alcohol concentration of 0.0204 or greater
- B. reports for duty or performs work while testing positive for using a prohibited drug, or while being under the influence of a prohibited drug
- C. refuses to submit to drug and/or alcohol testing
- D. alters or attempts to alter or unduly influence alcohol and/or drug testing results
- E. fails to remain readily available for post-accident testing (including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care)



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Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program which will inform each CDL license holder about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- C. the topics identified in AG 4162A;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Americans With Disabilities Act (i.e. test results shall be provided on a right to know basis – the employee, the employer, and the substance abuse professional – and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will have access to any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide written authorization before his/her test result can be provided to any other person except a government agency specified in the applicable Federal regulations.



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All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified (i.e. testing procedures and devices used will be as set forth in 49 C.F.R. Part 40).

The alcohol and drug testing program shall be under the direction of the Superintendent or designee.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.



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Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all staff members, including the following:

- A. the name of the person designated by the Board to answer questions about the materials
- B. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- C. information concerning what conduct is prohibited
- D. the circumstances under which employees are subject to testing
- E. the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee
- F. the requirement that staff members must submit to testing as required by the regulations
- G. an explanation of what constitutes a refusal to be tested and the attendant consequences
- H. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment



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- I. the consequences for a test indicating an alcohol concentration greater than 0.02~~04~~, and
- J. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management)

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. Each employee (and labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

49 C.F.R. 382.101 et seq.

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REVISED POLICY - VOL. 34 NO. 2

ENTRANCE REQUIREMENTS

The Board of Education establishes the following entrance age requirements for students, which are consistent with statute and sound educational practice, and directs that all eligible students be treated in an equitable manner.

Preschool

[] A child is eligible for entrance into preschool if s/he attains the age of _____ **[specify]** on or before _____ **[date]** of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to

() kindergarten.

() first grade (check only if there is no kindergarten in District).

Kindergarten

A child is eligible for entrance into kindergarten if s/he attains the age of five (5) on or before () August 1st () September 30th of the year in which s/he applies for entrance. The Board may admit a younger child to kindergarten if the child satisfies the Board's early entrance criteria. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

The Board will admit to kindergarten any child who has not attained the entrance age requirement of this District, but who was properly enrolled in a public or chartered nonpublic school kindergarten before transferring to the District.

[] While the District operates an all-day kindergarten program, a parent may enroll his/her child for only the minimum number of hours required by State law without penalty, and the Board shall accommodate such students.



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First Grade

A child is eligible for entrance into first grade if s/he attains the age of six (6) on or before () August 1st () September 30th of the year in which s/he applies for entrance and has completed the kindergarten program of this District or an equivalent program elsewhere and has been recommended by the teacher for advancement to the first grade. The Board may admit to first grade a younger child who has successfully completed kindergarten if the child satisfies the Board's early entrance criteria.

Required Documents

The Superintendent shall require that each child who registers for entrance to school provide:

- A. his/her birth certificate or similar documentation authorized by law as proof of age and birthdate;
- B. a certified copy of any custody order or decree together with any modification in such an order or decree.

If such documents are not provided, the child may be admitted under the Superintendent's guidelines. Appropriate law enforcement authorities shall be notified in the event that required documents are not provided in accordance with the provisions of R.C. 3313.672. **However, a child who is placed in a foster home or residential facility (i.e., a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four (24) hour child care, county children's home, or district children's home) will not be denied admission solely because the child does not present a birth certificate, comparable certification, or other comparable document upon registration. Such protected child will be admitted under temporary enrollment for a period of up to ninety (90) days to present the required documentation. The protected child and/or the child's parent, guardian, or custodian will be so informed at the time of the child's initial admission.**



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Each child entering the District's kindergarten or first grade program for the first time must be properly screened for any medical or health problems as well as those related to hearing, vision, speech and communications. The cost for such screening shall be paid by

- ☐ the District.
- ☐ the parents.
- ☐ _____.

Any parent may provide the District with a written statement indicating that s/he does not wish to have his/her child screened.

Early Entrance Criteria

The District provides early admission to kindergarten and first grade for qualified students. Copies of the referral forms for evaluation for early entrance to kindergarten or first grade will be available in each school building. Any student residing in the District may be referred by an educator employed by the District, a preschool educator who knows the child, the child's parent or guardian, or a pediatrician or psychologist who knows the child. The referral shall be made to the principal of the school for evaluation for possible early admission.

Before a student is evaluated for early entrance, the principal (or his/her designee) of the school to which the child may be admitted shall obtain written permission from the child's parent/guardian.

Evaluations related to referrals submitted to the school principal between August 15th and April 15th, will ordinarily be completed and a written report issued within forty-five (45) calendar days of submission of the referral to the school principal. Evaluations related to referrals submitted to the school principal between April 16th and August 14th will ordinarily be completed and a written report issued within forty-five (45) days of the start of the school year.

[NOTE: To use the dates in this paragraph, your District's kindergarten sign up and screening process should occur between August 15th and April 15th. Be sure to consider whether these dates work in terms of your kindergarten sign up and screening process, and adjust the dates accordingly if necessary.]



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Children referred for early entrance will be evaluated in a prompt manner. The principal of the school to which the child may be admitted shall convene an acceleration evaluation committee to determine whether early entrance is appropriate for that child. The acceleration evaluation committee shall include the following:

- A. a parent/legal guardian or a representative designated by the parent/guardian
- B. a gifted education coordinator or gifted education specialist, or, if neither is available, a school psychologist or a guidance counselor with expertise in the appropriate use of academic acceleration
- C. the principal or assistant principal of the school to which the child may be admitted
- D. a teacher at the grade level to which the student may be admitted

The acceleration evaluation committee shall be responsible for conducting a fair and thorough evaluation of the student. The acceleration evaluation committee will also consider the student's own thoughts on possible accelerated placement in its deliberations.

Children considered for early entrance shall be evaluated using an acceleration assessment process approved by the Ohio Department of Education.

[] A meeting will be conducted with the parent/guardian following the evaluation to inform him/her of the committee's decision and, if appropriate, to discuss the results of the evaluation and the nature of the kindergarten or first grade program.

The parent/guardian will be provided with a written summary of the outcome of the evaluation process. This notification shall include instructions for appealing the outcome of the evaluation process.



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Appeals must be made in writing to the Superintendent within thirty (30) calendar days of the parent/guardian receiving the results of the evaluation. The Superintendent or his/her designee shall review the appeal and notify the parent/guardian of his/her decision within _____ (_____) **[not to exceed thirty (30)]** calendar days of receiving the appeal. The Superintendent or his/her designee's decision will be final.

If a child is recommended for early entrance, the acceleration evaluation committee will develop a written acceleration plan for that child. The plan will specify:

- A. placement of the child in the accelerated setting;
- B. strategies to support successful early entrance; and
- C. an appropriate transition period for accelerated students.

A school staff member will be assigned to oversee the implementation of the acceleration plan and to monitor the child's adjustment to the early entrance.

At any time during the transition period, a parent/guardian of the child may request in writing that the child be withdrawn from the accelerated placement. In such cases, the principal shall remove the child without repercussions.

Also, at any time during the transition period, a parent/guardian may request in writing an alternative accelerated placement. In such cases, the principal shall direct the acceleration evaluation committee to consider other placement options and to issue a decision within _____ (_____) **[not to exceed thirty (30)]** calendar days of receiving the request. If the student will be placed in a different setting from that initially recommended, the acceleration plan shall be revised accordingly, and a new transition period shall be specified.



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At the end of the transition period, the accelerated placement shall become permanent. The child's records shall be modified accordingly, and the acceleration plan shall become part of the student's permanent record to facilitate continuous progress through the curriculum.

R.C. 3313.64, 3313.641, 3313.672, 3313.673, 3321.01 et seq., 3321.05, 3323.01
R.C. 3324.10

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REVISED POLICY - VOL. 34 NO. 2

ATTENDANCE

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session.

() or during the attendance sessions to which s/he has been assigned.

A student in grades 9 through 12 may be considered a full-time equivalent student provided the student is enrolled in at least five (5) units of instruction, as defined by State law, per school year.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a () **written** statement of the cause for such absence. The Board of Education reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Board policy on attendance may result in suspension or expulsion.

[] The Board considers the following factors to be reasonable excuses for time missed at school:

- A. personal illness (a written physician's statement verifying the illness may be required)
- B. illness in the family necessitating the presence of the child
- C. quarantine of the home
- D. death in the family
- E. necessary work at home due to absence or incapacity of parent(s)/guardian(s)



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- F. observation or celebration of a bona fide religious holiday
- G. out-of-state travel (up to a maximum of four (4) days per school year) to participate in a District-approved enrichment or extracurricular activity

Any classroom assignment missed due to the absence shall be completed by the student.

- H. such good cause as may be acceptable to the Superintendent
- I. medically necessary leave for a pregnant student in accordance with Policy 5751
- () service as a precinct officer at a primary, special or general election in accordance with the program set forth in Policy 5725

[] Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

[] The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.



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- [] The Superintendent may excuse a student over fourteen (14) years of age from attendance at school for a future limited period for the purpose of performing essential work directly or exclusively for his/her parents or guardians. Such excuse should not exceed five (5) days and may at the discretion of the Superintendent be renewed for five (5) additional days. At no time, however, shall such excuse cause a student to be absent from school for a period of more than ten (10) consecutive days.

At the discretion of the Superintendent or his/her designee, a student may be excused for a longer period of time than ten (10) days if a child's parent or guardian has recently died or become totally or partially incapacitated and there is no older brother or sister living in the home who is out of school. (The Superintendent may request a certificate of a physician attesting to the physical condition of the parent or guardian.)

A student will be considered habitually truant if the student is absent without a legitimate excuse for five (5) or more consecutive school days, for seven (7) or more school days in one (1) month, or twelve (12) or more school days in one (1) school year.

A student will be considered chronically truant if the student is absent without a legitimate excuse for seven (7) or more consecutive school days, for ten (10) or more school days in one (1) month, or for fifteen (15) or more school days in one (1) year.

Legitimate excuses for the absence of a student who is otherwise habitually or chronically truant include but are not limited to:

- A. the student was enrolled in another school district;
- B. the student was excused from attendance in accordance with R.C 3321.04; or
- C. the student has received an age and schooling certificate.

If a student is habitually truant and the student's parent has failed to cause the student's attendance, the Board authorizes the Superintendent to file a complaint with the Judge of the Juvenile Court and/or to take any other appropriate intervention actions as set forth in this Board's policy.



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If a student is chronically truant and the student's parent has failed to cause the student's attendance, the Board authorizes the Superintendent to file a complaint with the Judge of the Juvenile Court.

In order to address the attendance practices of a student who is habitually truant, the Board authorizes the Superintendent to take any of the following intervention actions:

- () assign the student to a truancy intervention program
- () provide counseling to the student
- () request or require the student's parent to attend a parental involvement program
- () request or require a parent to attend a truancy prevention mediation program
- () notify the Registrar of Motor Vehicles of the student's absences
- () take appropriate legal action
- () assignment to an alternative school (Note: If the District has established an alternative school, it must appear as an alternative intervention strategy.)

The Superintendent is authorized to establish an educational program for parents of truant students which is designed to encourage parents to ensure that their children attend school regularly. Any parent who does not complete the program is to be reported to law enforcement authorities for parental education neglect, a fourth class misdemeanor if found guilty.

The Superintendent shall develop administrative guidelines that:

- () establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance record prior to notification and that such notification complies with R.C. 3321.13 (B)(2);



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- () establish a school session which is in conformity with the requirements of the rules of the State Board;
- () govern the keeping of attendance records in accordance with the rules of the State Board;
- () identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- () provide students whose absence has been excused an opportunity to make up work they missed and receive credit for the work, if completed;
- () refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate accommodation.

Whenever any student of compulsory school age has ten (10) consecutive days or a total of fifteen (15) days of unexcused absence from school during any semester, s/he will be considered habitually absent. The Board authorizes the Superintendent to inform the student and his/her parents, guardian, or custodian of the record of excessive absence as well as the District's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's excessive absence.

| R.C. 3313.664, **3317.034**, 3321.01 et seq., 3321.13(B)(2), 3321.19, 3321.191
R.C. 3321.22, 3321.38, 3323.041, 3331.05
A.C. 3301-35-03(G), 3301-47-01, 3301-69-02



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REVISED POLICY - VOL. 34 NO. 2

RELEASED TIME FOR RELIGIOUS INSTRUCTION

The Board of Education desires to cooperate with those parents who wish to provide for religious instruction for their children but also recognizes its responsibility to enforce the attendance requirements of the State.

Students may be provided "released time" from school to attend a course in religious instruction conducted by a private entity off District property, provided that the following requirements are met, such students will not be considered absent when the:

- A. student's parent or guardian gives consent in writing;
- B. sponsoring entity maintains attendance records and makes them available to the District;
- C. sponsoring entity provides and assumes liability for the student; and
- D. student assumes responsibility for any missed school work.

Transportation of students to and from Released Time instruction is the complete responsibility of the sponsoring entity, the parent, guardian, and/or student. The Board of Education, its members, and employees are immune from liability for any injuries arising from transportation to and from Released Time instruction. Further, no Board funds will be expended for, and no District personnel shall be involved in the provision of religious instruction.

Students shall not be excused from a core curriculum subject course to attend Released Time instruction.



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[OPTION]

- [] High school students may earn up to two (2) units of high school credit for coursework completed during Released Time instruction. Such credits may substitute for credits required pursuant to R.C. 3313.603(C)(8).

The Board will evaluate the course based on secular criteria including, but not limited to:

- A. the number of hours of instructional time;
- B. a review of the course syllabus that reflects course requirements and materials used;
- C. the assessment methods used in the course; and
- D. the instructor's qualifications, which shall be similar to the qualification of other teachers in the District.

The decision as to whether to provide credit for a specific Released Time religious instruction course will be neutral as to religious content and will not involve any test for religious content or denominational affiliation.

[END OF OPTION]

~~No solicitation for attendance at religious instruction shall be permitted on District premises. No staff members shall encourage or discourage participation in any religious instructional program.~~

Staff members shall not promote or discourage participation in release time programs for any religious instructional program.

Nothing herein shall constitute an endorsement of religion or infringe upon an individual's First Amendment rights.

Attorney General's Opinion 88-001



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REVISED POLICY - VOL. 34, NO. 2

IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires all students to be immunized against poliomyelitis, measles, diphtheria, rubella (German measles), pertussis, tetanus, mumps, and others legally designated in accordance with State statutes, unless specifically exempt for medical or other reasons. The Board requires that students who start kindergarten during or after the school year beginning in 1999 be immunized against Hepatitis B or be in the process of being immunized. The Board also requires that students who start kindergarten during or after the school year beginning in 2006 be immunized against chicken pox. **The Board further requires that students enrolled in grades 7 through 12 during or after the school year beginning in 2016 be immunized against meningococcal disease in accordance with the administration procedures prescribed by the Ohio Department of Health (see AG 5320).** This policy pertains to both students who currently attend school in the District and those eligible to attend.

The Superintendent may exempt a student from being immunized against either or both measles and mumps if the student presents a signed statement from a parent or physician indicating s/he has had measles or mumps and does not need to be immunized. The student will be allowed to attend school only if a physician's statement indicates there is no danger of contagion. In case of an outbreak of the disease for which the student has not been immunized or an epidemic, the Superintendent shall not allow the student to attend school.

In the case of a chicken pox epidemic in the school's population, the Superintendent may deny admission to a student otherwise exempted from the chicken pox immunization requirement. The Superintendent shall prescribe methods whereby the academic standing of a student who is denied admission during a chicken pox epidemic is preserved.

The Superintendent may also exempt a student from immunization if a physician certifies in writing that immunization from a particular disease is medically contra-indicated.



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A student may also be exempted from immunization if a parent or guardian objects for good cause, including religious conviction.

A student who has not completed immunization

- () may not be admitted to school, except as is consistent with the law.
- () may be admitted to school provided the necessary immunizations are being received in the fastest time consistent with the approved immunization schedule and good medical practice.

The Board believes that immunization is the primary responsibility of the parent(s). For those students who do not have ready access to private or public health services, immunizations shall be provided at public expense.

- () and the Board shall apply to the Board of Health, and _____ for funding thereof.

Any immunization program conducted by this District requires prior approval of the Board and can only extend to those immunizations provided for by statute and the guidelines of this Board.

R.C. 3313.67, 3313.671, 3313.671(B)



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NEW POLICY - VOL. 34, NO. 2

PROCUREMENT AND USE OF ASTHMA INHALERS IN
EMERGENCY SITUATIONS

In accordance with state law, the Board of Education shall procure Asthma Inhalers for use in emergency situations. An Asthma Inhaler is a device that delivers medication to alleviate asthmatic symptoms, is manufactured in the form of a metered dose inhaler or dry powder inhaler, and may include a spacer, holding chamber, or other device that attaches to the inhaler and is used to improve the delivery of the medication. The Superintendent shall adopt a policy and procedures, alternatively termed "Administrative Guidelines," governing the maintenance and use of Asthma Inhalers. The Superintendent shall consult with a licensed health professional who is authorized to prescribe drugs ("Prescriber") when developing policy/administrative guidelines.

The Superintendent's policy/administrative guidelines shall:

- A. include a prescriber-issued protocol specifying definitive orders for Asthma Inhalers, including the dosages of medication to be administered through the Asthma Inhalers, the number of times that each Inhaler may be used before disposal, and the methods of disposal;
- B. identify the location(s) in each school building where the Asthma Inhalers shall be stored;
- C. specify the conditions under which Asthma Inhalers must be stored, replaced, and disposed of;
- D. specify the individuals employed by or under contract with the Board, in addition to a licensed school nurse and licensed athletic trainer, who may access and use Asthma Inhalers to provide a dosage of medication to individuals in an emergency situations;
- E. specify the training that Board employees or contractors (besides school nurses or athletic trainers) must complete before being authorized to access and use Asthma Inhalers;



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- F. identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which a school nurse, athletic trainer, or other trained employee/contractor may access and use an Asthma Inhaler;
- G. specify that assistance from an emergency medical service provider (911) must be requested immediately after an employee/contractor (besides a school nurse, athletic trainer or another licensed health professional) uses an Asthma Inhaler; and
- H. specify individuals, in addition to students, employees, contractors, and visitors, to whom a dosage of medication may be administered through an Asthma Inhaler in an emergency situation.

Each Building Principal shall endeavor to maintain at least two (2) Asthma Inhalers in their building. In procuring Asthma Inhalers, the Board will accept donations of Asthma Inhalers from wholesale distributors of dangerous drugs or manufacturers of dangerous drugs, as well as donations of money from any person to purchase Asthma Inhalers. The Superintendent shall report to the Ohio Department of Education ("ODE"), in the form and manner determined by ODE, each procurement of Asthma Inhalers and each occurrence in which an Inhaler is used from District's supply.

In order to allow the use of an Asthma Inhaler in an emergency situation pursuant to this Policy and AG 5330.03, the Superintendent shall obtain a standing order or protocol from an authorized prescriber, in order to administer dosages of medication through the Asthma Inhalers from the District's supply, including the number of times each Inhaler may be used before disposal, and the methods of disposal. The Superintendent shall retain the original standing order/protocol and provide a copy of it to each Building Principal of each school at which Asthma Inhalers are maintained in accordance with this Policy and AG 5330.03.



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In accordance with Ohio law, the Board, and its members, employees and contractors shall not be liable in a civil action for damages resulting from injuries arising from acts or omissions associated with procuring, maintaining, accessing, or using Asthma Inhalers in emergency situations as prescribed by this policy and AG 5330.03, unless the act or omission constitutes willful or wanton misconduct.

R.C. 3313.7113

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REVISED POLICY - VOL. 34, NO. 2

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.

“Real Property” means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

“Personal Property” means tangible property other than real property. It may be tangible, having physical existence, or intangible and may include automotive vehicles, equipment, and materials.

[] All property considered 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 7300 - Disposition of Real Property/Personal Property** and **Policy 7310 - Disposition of Surplus Property 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 to **the governing authorities of high-performing community schools and any newly established community schools that are implementing a community school model that has a track record of high quality academic performance, as determined by the Department of Education. If no governing authority from either type of community school expresses an interest in the property within sixty (60) days after the offer is made, the Board must 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 any~~ community school governing authority and college preparatory boarding school board of trustees at a price that is not higher than the appraised fair market value of the property as determined in an appraisal of the property that is not more than one (1) year old.
 2. In the event that more than one (1) community school governing authority or college preparatory boarding school board of trustees accepts the offer made by the Board, the property shall be sold to the community school governing authority or board of trustees that accepted the offer first in time.
 3. [The Board may dispose of the property by public auction **only** if no **start-up** community school governing authority or college preparatory boarding school board of trustees accepts the Board's offer within sixty (60) days after ~~such the~~ **subsequent** offer.]



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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.
2. The Board shall ~~offer~~ **first offer** any Unused School Facilities it owns for lease or sale to the governing authority of any **high-performing community school as defined by state law. If no governing authority accepts the offer of lease or sale within sixty (60) days, then the Board must next offer Unused School Facilities to the governing authority of any** community school or the board of trustees of any college preparatory boarding school that is located within the territory of the District.

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

3. **If more than one (1) qualified governing board accepts the Board's offer within sixty (60) days, the Board shall conduct a public auction utilizing the process described above. Only the parties that notify the Board within sixty (60) days may offer a bid at the auction. The Board is not required to accept a bid that is lower than the appraised fair market value of the property as determined by an appraisal that is no more than one (1) year old.**
- 3.4. Any subsequent lease or sale of the property shall proceed in accordance with law.



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- 4.5. If no governing authority or board of trustees accepts the offer to lease or buy the property within sixty (60) days after the **subsequent** offer is made, the Board may offer the property for sale or lease to any other permissible entity.
- E. Further, the Board may dispose of property upon the majority vote of the members of the Board and a concurring vote of the legislative authority of a municipal corporation, declaring that an exchange of real property held by the District for school purposes for real estate held by the municipal corporation for municipal purposes 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.

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).



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- 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;
 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.



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- 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.

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.



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PROPERTY

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- 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, **3313.413**
2 C.F.R. 200.78, 200.85

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REVISED POLICY - VOL. 34, NO. 2

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 Superintendent with annual written notification. The notification must include certain specific information and assurances concerning the home education program as set forth in State law, the State Department of Education Regulations, and AG 9270.

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

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



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

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

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

☐ 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 R.C. 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.



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Eligibility Requirements

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

- A. If the student received home schooling in the preceding grade period, the student shall meet any academic requirements established by the State Board of Education for the continuation of home schooling.
- B. If the student did not receive home schooling in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the District.
- C. Eligibility for a student who leaves a school district mid-year for home schooling shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in the District.
- D. Any student who commences home schooling after the beginning of a school year and who is, at the time home schooling commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the District shall not participate in the extracurricular activity until the student meets the academic requirements established by the State Board of Education for continuation of home schooling as verified by the Superintendent. No student shall be eligible to participate in the same semester in which the student as determined ineligible.



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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.

Issuance of Diploma to Home Schooled Student by Parent, Guardian, or Custodian

A student who has completed the final year of home education, and has successfully fulfilled the high school curriculum (applicable to the student) may be granted a high school diploma by the student's parent, guardian, or custodian. Any diploma granted to a student after July 1, 2015, shall contain the official letter of excuse issued by the Superintendent for the student's final year of home education or certification signed by the Superintendent that the student and the student's parent have complied with State law regarding home education. The statement of certification shall read:

"I certify that the student named in this diploma and the student's parent have complied with R.C. 3321.04 (A)(2) regarding instruction at home and the related rules of the Ohio State Board of Education."

The Superintendent, when presented with such diploma for signature, shall sign the statement of certification included with the diploma if the student and the parent have complied with the home instruction requirements.

R.C. 3313.5311, 3313.5312, **3313.6110**, 3321.03, 3321.04
A.C. 3301-34



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REVISED POLICY - VOL. 34, NO. 2

CONFLICT OF INTEREST

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

1. No employee, **officer or agent** shall engage in or have a financial **or other** interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
2. Employees, **officers and agents** shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment **or professional relationship** with the School District.

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

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



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- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, **officer's or agent's** employment or **professional relationship with the District** through his/her access to School District records
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - d. the requirement of students or clients to purchase any private goods or services provided by an employee, **officer or agent** or any business or professional practitioner with whom any employee, **officer or agent** has a financial **or other** relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
3. Employees, **officers and agents** shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.



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Do Not Add
B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship. *Current adds here*

Add?
C. Employees, **officers and agents can** ~~may not~~ participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, **officer or agent**, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

~~No employee~~ **Employees, officers and agents can not** ~~may~~ solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. ~~involved with Federal grant funds~~

[] **However, pursuant to Federal rules, the School District has set standards for when** ~~except that an employee, officer or agent may accept the~~ a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$_____ or less.
[END OF OPTIONAL LANGUAGE]

[DRAFTING NOTE: Section 200.318 allows for non-Federal entities (Districts) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In such a situation, "nominal value" must be defined. The Ohio Licensure Code of Professional Conduct stipulates that no educator shall accept gifts of \$25 or more. The Ohio Ethics Commission does not list a monetary limit. Rather, it states that no public official shall accept a gift of value that could exert a substantial and improper influence upon a public official. The commission determines whether the value is "substantial" or "improper" on a case by case basis. The commission requires disclosure of gifts of \$75 or more each year by public officials.]



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D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

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

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Remove → ~~[DRAFTING NOTE: The School District has discretion over the appropriate disciplinary actions. For example, the School District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]~~



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~~Violation of this policy shall result in discipline, which may include termination from employment.~~

Applicable laws, regulations and guidance:

R.C. Chapter 102, 2921.42, 2921.43

Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03

2 C.F.R. 200.112, 200.113, 200.318

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REVISED POLICY - VOL. 34, NO. 2

CONFLICT OF INTEREST

- A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education's **members, and the District's employees, officers and agents.** Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the School District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines **apply to all District employees, officers and agents, including members of the Board.** These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, **officers and agents.**
1. No employee, **officer or agent** shall engage in or have a financial **or other** interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
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Included, by way of illustration rather than limitation are the following:

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



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 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - d. the requirement of students or clients to purchase any private goods or services provided by an employee, **officer or agent** or any business or professional practitioner with whom any employee, **officer or agent** has a financial **or other** relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
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- B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship.

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F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

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Applicable laws, regulations and guidance:

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Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03

2 C.F.R. 200.112, 200.113, 200.318

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REVISED POLICY - VOL. 34, NO. 2

CONFLICT OF INTEREST

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Applicable laws, regulations and guidance:

R.C. Chapter 102, 2921.42, 2921.43

Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03

2 C.F.R. 200.112, 200.113, 200.318

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REVISED POLICY - VOL. 34, NO. 2

GRANT FUNDS

It is the objective of the Board of Education to provide equal educational opportunities for all District students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that benefits students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in ~~accord~~ **accordance** with Federal **regulations and** guidelines ~~on discrimination~~.

No Federal funds received by the ~~Board~~ **District** shall be used to:

- A. develop or distribute materials, or operate programs or courses of instruction directed at youths, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- C. provide sex education or HIV-prevention **education** in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- D. operate a program of contraceptive distribution in schools.

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Grant Proposal Development

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.
- () The Superintendent shall present the following proposals to the Board for approval:
 - () government-funded proposals, regardless of the amount;
 - () proposals with budgets exceeding \$_____.00; or
 - () multi-school or District-wide proposals.

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, **local** and grantor rules and regulations, **including the terms and conditions of the Federal awards**, as well as ~~Board~~-**District** policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, ~~program~~ **applicable statutes, regulations and** objectives, and the terms and conditions of the grant award.



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- D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ **internal controls, including** the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law **and regulations and the terms and conditions of the Federal award**. The Superintendent shall require that each draw of Federal monies **be aligned with the District's payment process (whether reimbursement, cash advance or a combination)**. **If funds are permitted to be drawn in advance, all draws will be** is-as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.
- () The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- () Written amendments requiring **the Superintendent's** signature shall be presented to the Board for approval.
- () Employee positions established through the use of grant funding ~~(-)~~ shall ~~(-)~~ may terminate if and when the related grant funding ceases.
- () Program reports including but not limited to audits, site visits and final reports shall be submitted to the Superintendent for review and distribution to **the Board and other** appropriate parties.



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Fiscal Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, **local** and grantor rules, regulations, and assurances as well as ~~Board~~ **District** policies and administrative guidelines.

The ~~Superintendent~~ **District** shall provide for the following:

- A. **Identification, in District accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance ("CFDA") title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.**
- A.B. Accurate, current, and complete disclosure of the financial results of each **Federal award or program** ~~Federally-sponsored project in accordance with the reporting requirements of the grant.~~
- B.C. **Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.** ~~Effective control over and accountability for all funds, property, and other assets in their use solely for authorized purposes.~~



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- D. Effective control over, and accountability for, all funds, property, and other assets. The District must adequately safeguard all assets and assure that they are used solely for authorized purposes.**

Further, the District must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;**
 - 2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;**
 - 3. evaluate and monitor the District's compliance with statutes, regulations and the terms and conditions of the Federal award;**
 - 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;**
 - 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.**
- E. Comparison of expenditures with budget amounts for each Federal award.**



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C.F. Recordkeeping and written procedures **to the extent required** as may be required by Federal, State, **local** and grantor rules and regulations pertaining to the grant award and accountability, including, **but not limited to, the following areas:** ~~such provisions as may be applicable as cost sharing and matching requirements, budget revisions, audit requirements, reasonableness, allocability, and allowability of costs, procurement, property management and disposition, and payment/repayment requirements.~~

1. **cash management**
2. **allowability**
3. **conflict of interest**
4. **procurement**
5. **equipment management**
6. **conducting technical evaluations of proposals and selecting recipients**
7. **compensation and fringe benefits**
8. **travel**

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass through agency in accordance with applicable Federal policy.

D.H. Insurance coverage for real property and equipment, if applicable, equivalent to **such property owned by the District.** ~~the coverage obtained for Board-owned property of a similar nature.~~



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Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity.

Applicable laws, regulations and guidance:

34 C.F.R. 75.707, 76.563, 76.565, 76.707

2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307

2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

Compliance Supplement for Single Audits of State and Local Governments

20 U.S.C. 7906



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NEW POLICY - VOL. 34, NO. 2

INTERNAL CONTROLS

The Superintendent shall establish and maintain effective internal controls over Federal awards that provide reasonable assurance that the District is managing all awards in compliance with applicable statutes, regulations and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations
- B. reliability of reporting for internal and external use
- C. compliance with applicable laws and regulations

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and



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- D. take reasonable measures to safeguard protected “personally identifiable information” (PII) and other information the awarding agency or pass-through entity designated as sensitive or the District considers sensitive consistent with applicable Federal, State, local, and tribal laws and District policies regarding privacy and obligations of confidentiality

PII is defined at 2 C.F.R. 200.79 as “information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.”

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

2 C.F.R. 200.61-61, 200.79, 200.303

- A. “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States;
- B. “Internal Control Integrated Framework” (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;
- C. “Compliance Supplement” issued by the U.S. Office of Management and Budget; and
- D. Internal control guidance issued by the U.S. Department of Education.



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NEW POLICY - VOL. 34, NO. 2

CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Ohio Department of Education (ODE) (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.



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- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The District receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.



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- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another Federal agency payment system.

Applicable Laws, Regulations, and Guidance:
2 C.F.R. 200.305

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NEW POLICY - VOL. 34, NO. 2

COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and



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5. whether the cost represents any significant deviation from the established practices or Board of Education policy which may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

- a. the cost is needed for the proper and efficient performance of the grant program;
- b. the cost is identified in the approved budget or application;
- c. there is an educational benefit associated with the cost;
- d. the cost aligns with identified needs based on results and findings from a needs assessment;
- e. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.



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- B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.



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H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.



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Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.



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The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Ohio Department of Education ("ODE") or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).



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Timely Obligation of Funds

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Public utility services - when the District receives the services.
- E. Travel - when the travel is taken.
- F. Rental of property - when the District uses the property.
- G. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.



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Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with ODE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-.406, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458
C.F.R. 200.474(b)



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NEW POLICY - VOL. 34, NO. 2

TIME AND EFFORT REPORTING

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the District;



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- C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- E. comply with the District's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.



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The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Applicable Laws, Regulations, and Guidance:
2 C.F.R. 200.430, 200.431

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NEW POLICY - VOL. 34, NO. 2

PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110 and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.



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Competition

All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business
- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive contracts to consultants that are on retainer contracts
- D. organizational conflicts of interest
- E. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement
- F. any arbitrary action in the procurement process

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.



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To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. ~~The District allows vendors to apply for consideration to be placed on the list~~ **[insert frequency. see Drafting Note].** *Remove*

Remove **[Drafting Note: The District shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]**

Solicitation Language

The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.



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The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall utilize the following methods of procurement:

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Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$ 3500 (not to exceed \$3,500). To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

☒

Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$ 25000. Small purchase procedures require that price or rate quotations shall be obtained from () _____ ☒ an adequate number of qualified sources.



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() **Sealed Bids**

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$ 25,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$25,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ~~()~~ (Y) an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.



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4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

() Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. **[Drafting Note: Like sealed bids, Federal law does not require a competitive proposal unless the procurement is for over \$150,000. The State/District may set a lower threshold for sealed bids and competitive proposals. Ohio law requires sealed bids for a purchase of \$25,000 or more (see Policy 6320).]**

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an () ~~adequate~~ (Y) adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.



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4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

() **Noncompetitive Proposals**

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate



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Contract/Price Analysis

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.



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Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)



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Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Applicable laws and regulations:
2 C.F.R. 200.317 - .326



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REVISED POLICY - VOL. 34, NO. 2

TRAVEL PAYMENT & REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the Board of Education shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates () in accordance with () not exceeding the Federal IRS prescribed mileage rate.

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

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

- Remove*
- [] Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.**

We do not currently have this policy at all?

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Add it?



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Remove **[] Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the District's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency.**

Remove **[DRAFTING NOTE: This draft policy includes the Federal rules for commercial airfare and temporary dependent care costs. Based on State or local laws and policies, School Districts may decide that all temporary dependent care costs or commercial airfare costs in excess of the basic least expensive unrestricted accommodations class are unallowable under any circumstance.]**

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6114.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

**Applicable laws and regulations:
2 C.F.R. 200.474**



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REVISED POLICY - VOL. 34, NO. 2

DISPOSITION OF SURPLUS PROPERTY

The Board of Education requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy (see Policy 7300).

A. Instructional Material

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current, or
3. worn beyond salvage

B. Equipment

The District shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no usable life remaining
3. obsolete and/or no longer contributing to the educational program



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4. some potential for sale at a school auction, or
5. creates a safety or environmental hazard

C. Disposition

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. ~~Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines. If the decision is made 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 personal property may be traded upon such terms as are agreed upon by the parties.~~

Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal awarding agency.



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Except as provided in §200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

R.C. 3313.40, 3313.41

2 C.F.R. 200.312, 200.313



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REVISED POLICY - VOL. 34, NO. 2

PROPERTY INVENTORY

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall

- () conduct a complete inventory
- () maintain a continuous inventory

of all Board-owned equipment and supplies

- () annually.
- () every _____ years. **[specify number]**
 - () at such intervals as will coincide with property insurance renewal.
 - () and G.A.A.P. reporting requirements.

For purposes of this policy "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, costs at least \$_____

- () to replace
- () as a single unit

and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$_____.



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It shall be the duty of the

- ☐ Superintendent
- ☐ Business Manager
- ☐ _____

to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

- ☐ Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.
- ☐ Property records of consumable supplies shall be maintained on a continuous inventory basis.
- ☐ The _____ shall maintain a system of property records which shall show, as appropriate to the item recorded, the:
 - ☐ description and identification;
 - ☐ manufacturer;
 - ☐ year of purchase;
 - ☐ initial cost;
 - ☐ location;
 - ☐ condition and depreciation;
 - ☐ evaluation in conformity with insurance requirements.



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Equipment acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.**
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.**
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300 and Policy 7310, AG 7300 and AG 7310.**
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.**
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.**
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.**
- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.**

2 C.F.R. 200.313

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REVISED POLICY - VOL. 34, NO. 2

FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food service for the purchase and consumption of lunch for all students. The Board shall annually encumber the funds needed to operate the program.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA's **school meal pattern requirements** ~~Dietary Guidelines for Americans~~ and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities. Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. See Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult with a dietitian licensed under R.C. Chapter 4759, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;



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- C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.



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Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Ohio has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 CFR Part 15b. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

[] On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons," but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with administrative guidelines established by the Superintendent. Lunches may be made available, free of charge, to senior citizens who are serving as volunteers to the District.



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The operation and supervision of the food-service program shall be the responsibility of the Jacki. In accordance with Federal law, _____ shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. **[Please note: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]** *Remove*

A periodic review of the food-service accounts shall be made by the Jacki *Treasurer*. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food-service program. **Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.**

With regard to the operation of the school food service program, the Superintendent shall require:

- A. the maintenance of sanitary, neat premises free from fire and health hazards;
- B. the preparation of food that complies with Federal food safety regulations;
- C. **the planning and execution of menus in compliance with USDA requirements;**
- C.D. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1214, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460)



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- E. **complying with food holds and recalls in accordance with USDA regulations;**
- D.F. the **administration**, accounting, and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- E.G. the safekeeping and storage of food and food equipment pursuant to **State and Federal law and** USDA regulations;
- F.H. the regular maintenance and replacement of equipment-;
- I. **all District employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (see Policy 6116).**

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction, unless the classroom is also used to serve meals to students, is prohibited.

~~No foods or beverages, other than those associated with the District's food service program, are to be sold during food service hours.~~ The District shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550.

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.



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The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

R.C. 3313.81, 3313.811-815

A.C. 3301-91

42 U.S.C. 1758

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 CFR Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

OMB Circular No. A-87/USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

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