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**NEW POLICY - VOL. 34 NO. 2**

**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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**NEW POLICY - VOL. 34 NO. 2**

## 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. ~~1)~~ 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]** ☒ 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]** ☒ 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.

*accept this* ✓

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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~~☒~~ - Already In

**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:

- \* 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 0.0204, 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 3 [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

*Already in*

( ) 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.

*Added* | **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**

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**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.

*Add* 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. *missing*

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.

*Add* 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

*yes* — ☒ may not be admitted to school, except as is consistent with the law.

*No.* — ☐ ( ) 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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- 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.

*X* 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.

*X* 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