

AGENDA

Revere Local School District
Revere Board Meetings
Addendum to 8-18-20 Regular August BOE Meeting
Tuesday, August 18, 2020, 5:30 pm - 8:30 pm
Bath Elementary School Gym

I. BOARD OF EDUCATION'S AGENDA

II. SUPERINTENDENT'S AGENDA - Matthew L. Montgomery, Ph.D.

1. Certificated/Licensed Personnel

a. Salary Increases - Additional Education

It is recommended that the Board of Education approve a salary increase for the following based upon additional education:

Erika Christy / MA+15, Step 6 / \$67,890.00

2. Classified Personnel

a. Substitutes

It is recommended that the Board of Education approve the following to be used as needed effective on or after 8/19/20:

Robert Pallota / Substitute Custodian

3. Other Business

a. Policies - New or Revised

It is recommended that the Board of Education approve, as a single reading, the following new or revised Board Policies as noted in **Attachment 4**:

2.05/ Evaluation of Administrators

3.05/ Staff Conduct

4.03/ Evaluation of Teachers

4.06/ Working Remotely

6.08/ Student Absences and Excuses

6.19/ Code of Student Conduct

6.29/ Student Health and Safety

6.47/ School and Non-School Sponsored Expression

9.07/ Title IX Grievance Procedure, Employee and Student

9.09/ Complaints of Sexual Harassment (the District will rescind current Board Policies 9.09 and 9.10)

9.39/ Face Coverings ("Masks")

9.40/ Recording of Academic Instruction and Other Services

NEW DOCUMENT

EVALUATION OF ADMINISTRATORS

Each assistant superintendent, director, principal, assistant principal, and other administrator shall be evaluated through this written evaluation procedure and in compliance with O.R.C. §3319.02. In the event of any conflict between this procedure and O.R.C. §3319.02, the provisions of O.R.C. §3319.02 shall apply as if incorporated into this procedure. As used in this procedure, the term “administrator” applies to any person whose evaluations are subject to the requirements of O.R.C. §3319.02.

- A. The evaluation shall be conducted by the Superintendent or Treasurer or his/her designee.
- B. The evaluation shall measure each administrator’s effectiveness in performing the duties included in the applicable job description. For principals and assistant principals, the evaluation shall be based on standards comparable to the Ohio Teacher Evaluation System (OTES), as provided in O.R.C. §3319.111, but tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work. The Board shall from time to time adopt and revise administrator job descriptions to implement this procedure.
- C. The Superintendent or his/her designee may reference the standards-based model of the Ohio Principal Evaluation System (OPES) to evaluate the performance of principals and assistant principals.
- D. In any school year that the administrator’s contract is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the administrator no later than the end of the administrator’s contract year as defined by the administrator’s annual salary notice.
- E. In any school year that the administrator’s contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the administrator at least sixty days prior to any action by the Board on the administrator’s contract of employment. The final evaluation shall indicate the Superintendent’s intended recommendation to the Board regarding a contract of employment for the administrator. A written copy of the final evaluation shall be provided to the administrator at least five days prior to the Board’s acting to renew or not renew the contract.
- F. Before taking action to renew or nonrenew the contract of an administrator and prior to the first day of June of the year in which the administrator’s contract expires, the administrator shall be given written notice of the date that the contract expires and that the administrator may request a meeting with the Board. Upon request by the

administrator, the Board shall grant the administrator a meeting in executive session. In that meeting, the Board shall discuss its reasons for considering the renewal or nonrenewal of the contract. The administrator shall be permitted to have a representative of the administrator's choice at the meeting.

- G. The evaluation shall be considered by the Board in deciding whether to renew the administrator's contract.
- H. If the Board takes action to nonrenew the contract of an administrator, the administrator shall be provided with written notice of the Board's action on or before the first day of June of the year in which the administrator's contract expires.
- I. The establishment of this procedure shall not create an expectancy of continued employment. Nothing contained herein shall prevent the Board from making the final determination regarding the renewal or nonrenewal of the administrator's contract, provided the administrator has been given the evaluations required by this procedure and the opportunity, upon request, to meet with the Board as required by this procedure.

The Board shall not use value-added progress dimension data, any other high-quality student data, or any other student academic growth data to measure student learning attributable to a principal while conducting performance evaluations under Sections 3319.02, 3319.111, and 3319.112 of the Revised Code for the 2020-2021 school year. Rather, the Board shall use only the other evaluation factors and components prescribed under Sections 3319.02, 3319.111, and 3319.112 of the Revised Code to conduct a principal's performance evaluation under those sections for that school year. The Board may consider, as part of a principal's evaluation, how that principal collects, analyzes, and uses student data, including student academic growth data, to adapt instruction to meet individual student needs or to improve the principal's practice.

LEGAL REFS: O.R.C. §3319.02

Adopted: _____

STAFF CONDUCT

District employees are expected to conduct themselves in a professional manner at all times, especially when engaged in the activities of educating or supporting the education of the District's students. They are to follow all of the state and federal laws and regulations required of them and the policies and procedures of the Board of Education and directives and recommendations from their supervisors. Employees are to strive to keep current with not only the latest educational aspects of their positions, but with all aspects of their particular duties.

Staff members shall not leave students unsupervised and shall strive to provide a safe learning environment for students and staff. Only staff members or other qualified adults shall be permitted to supervise students.

The Board believes that an appropriately dressed employee is a more suitable role model. Personal appearance also has direct bearing on teaching and support staff authority, confidence, and the self-esteem of students, administrators, and other staff. Therefore, the dress, grooming, and personal hygiene of each employee must be appropriate at all times and:

1. Present a professional, identifiable appearance for students, parents and the community;
2. Promote a positive work environment;
3. Foster respect and confidence;
4. Ensure safety.

The Superintendent, Treasurer, and Business Manager shall file the appropriate Ohio Ethics Commission disclosure statement, as set forth in O.R.C. §102.02. The aforementioned administrators shall not use or authorize the authority or influence of office or employment to secure, promise, offer, solicit, accept, or give of anything of value that is of such a character as to manifest a substantial and improper influence upon such administrator.

The Board expects all staff members to:

- A. Accurately represent their qualifications.
- B. Maintain the confidentiality of information, as directed and as required by law.
- C. Refrain from using their employment duties to advance their private economic interests.

- D. Refrain from accepting anything of value offered for the purpose of influencing their professional judgment.
- E. Refrain from using their positions as employees or District property for partisan political or religious purposes.

The Board requires its professional employees to conform to the Association of American Educators' Code of Ethics, the National Education Association's Code of Ethics of the Education Profession, and the Licensure Code of Ethics for Ohio Educators. Further, professional employees must:

- A. Respect and obey the law;
- B. Adhere to the terms of their employment contract;
- C. Comply with all Board policies;
- D. Honestly account for all funds in their charge;
- E. Refrain from making false statements about co-workers.

Consistent with the educational mission of the District, staff members shall maintain a professional relationship with students at all times. Staff members shall not fraternize with students, regardless of whether such fraternization occurs on or off of District property, or during or after the school day. This prohibition includes, but is not limited to fraternization occurring in person, through phone calls, text messages, social media, or other digital correspondence. Staff members shall further avoid the appearance of an improper relationship with students.

All staff members shall address one another, and the members of the public with whom they interact in the performance of their duties, with courtesy and respect.

LEGAL REFS.: O.R.C. §§102.02; 102.03

Adopted: _____

EVALUATION OF TEACHERS

The Revere Local School District Board of Education, in consultation with teachers employed by the Board, adopts the standards-based evaluation policy set forth in the collective bargaining agreement between the Board and the Revere Education Association, which shall conform with the framework for evaluation of teachers developed by the State Board of Education under O.R.C. §3319.112 (“OTES 2.0”). OTES 2.0 shall be first implemented during the 2021-2022 school year.

The Board directs the Superintendent to implement this policy in accordance with state law.

LEGAL REFS.: O.R.C. §§3319.111; 3319.112

Adopted: _____

WORKING REMOTELY

Extenuating circumstances, as determined by the Superintendent, may necessitate the Superintendent directing certain non-hourly employees to work remotely. An employee directed or permitted to work remotely must do so in compliance with the terms and conditions set forth in this policy.

- A. Employees must maintain the confidentiality of student records and personally identifiable student information at all times. Such records and information shall not be discussed or exposed in the presence of unauthorized third parties.
- B. Employees shall ensure that they are available for digital meetings, to exchange correspondence with co-workers, and to receive direction from supervisors during work hours by computer, phone, and/or by email. Employees shall be diligent in checking for correspondence from co-workers and supervisors and shall reply, as necessary and appropriate, in a responsive manner. If technical problems prevent an employee from accessing correspondence, taking phone calls, or attending a digital meeting, he/she shall immediately inform his/her supervisor and the District's information technology department.
- C. Employees shall be responsible for the safety and security of all District files, equipment, and materials in their possession while working remotely.
- D. As directed by their supervisors, employees shall download and install, on District-supplied computers, necessary software programs and applications. Employees shall download and install the same on any personal computer if using such computer for purposes of working remotely.
- E. Public records created while working remotely shall be retained in accordance with the District's records retention schedule. This duty applies regardless of whether such records are created on District-owned or personal computers, or other technology.
- F. The duties and responsibilities of employment remain unchanged while working remotely, except as otherwise noted by an employee's supervisor.
- G. Direction and/or permission to work remotely may be revoked at any time.
- H. Employees shall, at all times while working remotely, comply with federal, state, and local laws and regulations and shall comply with all applicable Board policies.

Adopted: _____

STUDENT ABSENCES AND EXCUSES

Absences for the following reasons shall be considered as excused:

- A. Personal illness.
- B. Serious illness or death of a family member.
- C. Funeral.
- D. Medical and dental appointments that cannot be arranged during non-school hours.
- E. Unusual or emergency situations at home.
- F. Religious holidays and activities.
- G. Authorized school-sponsored activities.
- H. Approved college visits.
- I. Acts of God.
- J. Quarantine.
- K. Out-of-state travel, not to exceed 24 hours per school year that the student's school is open for instruction, for participation in an enrichment activity approved by the Board of Education or an extracurricular activity, defined as a student activity program operated by the District but not included in a graded course of study.
- L. At the Superintendent's discretion, a visit with a parent or legal guardian who is an active duty member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service and who has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.
- M. Other circumstances which, in the judgment of the Superintendent, constitute a good and sufficient cause for absence from school, including, but not limited to circumstances which are out of a student's control and which cause his/her absence due to the District's implementation of a "Remote Learning Plan" under H.B. 164, or "Blended Learning Policy" under R.C. 3301.079, if adopted by the Board.

An absence for any reason other than those listed above shall be classified as unexcused.

All excuses from parents, as well as other documents pertaining to a student's enrollment, attendance, and withdrawal from the District, shall become a part of the official attendance record and shall be maintained regardless of format or condition.

A student shall have the opportunity to make up school work missed due to an excused absence; however, it shall be the responsibility of the student to initiate a make-up procedure and schedule with his or her teacher(s). All make-up work shall be completed within the number of days missed following the excused absence. A student shall receive full credit for school work made up pursuant to an excused absence.

The principal or his or her designee may request written verification of a student's illness from a physician licensed to practice medicine in the state in the event of frequent or extended absences attributed to personal illness.

A student must be in attendance at school for half of the school day in order to participate in any school-sponsored activity that is conducted on that day; in cases of emergency the principal or his/her designee may grant an exception to this limitation.

LEGAL REFS: O.R.C. §§3301.60; 3321.041; 3321.13

Ohio Department of Education EMIS Manual, Section 2.1.1: Student
Enrollment Overview, Version 4.0 (2017)

Adopted: _____

CODE OF STUDENT CONDUCT

The items in this Code are applicable to misconduct by a student that occurs on property owned or controlled by the District and off of property owned or controlled by the District but that is connected to activities or incidents that have occurred on property owned or controlled by the District and misconduct by a student that, regardless of where it occurs, is directed at a District official or employee or the property of such official or employee and all students when properly under the authority of school personnel during a school activity, function, or event whether on property owned, rented, or maintained by the Board of Education or property owned, rented, or maintained by another party. Additionally, the provisions of this Code shall apply to students if the prohibited act(s) takes place while on properties immediately adjacent to school property, within the line of sight of school property, on school transportation, or if the act affects the operation of the schools.

This Code shall also be inclusive for the right to exercise authority and for personal and property protection of administrators, teachers, librarians, or clerks, substitute teachers, teacher aides, monitors, authorized volunteers, tutors, secretaries, cooks, custodians, bus drivers, visitors, or other authorized school personnel.

Violation by a student of any one or more of the following rules of conduct may result in disciplinary action(s), which may include detention, parental contact, referral to legal authorities, emergency removal, disciplinary removal, suspension, expulsion, or permanent exclusion. A student may be suspended pending the outcome of expulsion proceedings.

1. AIDING & ABETTING – An involvement (active or passive) with another student or students engaged in prohibited activities.
2. ARSON/FIREARMS OR OTHER WEAPONS/FALSE ALARMS AND/OR THREATS – An act of arson or unauthorized use, possession, transfer, or disposal of firearms or other weapons, initiating without cause a fire alarm, reporting a fire, or false reporting of an impending bombing or catastrophe.
3. ATTENDANCE – Truancy or unexcused absence from class or school or excessive tardiness to class or school.
4. BUS CONDUCT – Violation of the rules of conduct on the school bus.
5. COMPUTER USAGE – Violation of the school's computer lab policy and/or the District's acceptable use policy.
6. CRIMINAL ACTIVITIES – Violations of specific provisions of federal, state, or local statutes.

7. DISHONESTY – Cheating on tests or school assignments, forging school and/or parental documents, falsifying information, plagiarism or committing fraud.
8. DISRESPECT – Rude or disrespectful behavior or failure to cooperate with other students or school personnel.
9. DISRUPTIVE BEHAVIOR – Disruption of the classroom, school, school grounds, or school activities or functions.
10. FIGHTING/ASSAULT/PHYSICAL VIOLENCE – To intentionally cause or threaten to cause physical or emotional harm to another student or behave in such a manner as to present an eminent risk of such harm. Causing or attempting to cause harm to oneself is included within.
11. FIREWORKS/DANGEROUS INSTRUMENTS OR MATERIALS – The use, threatened use, or possession of fireworks or explosives, including matches and lighters; possession/use of mace, pepper spray or laser pointers (examples).
12. GAMBLING – Playing games of chance which involve wagering.
13. HARASSMENT – Harassment includes, but is not limited to, any act which subjects an individual or group to unwanted abusive behavior of a nonverbal, verbal, written, or physical nature. An act that injures, degrades, or disgraces or attempts to injure, degrade, or disgrace a student falls within this category. Examples of, but not inclusive, include the following: sexual harassment, bullying, intimidation, coercion, hazing, spreading rumors, name calling and menacing.
14. INAPPROPRIATE LANGUAGE/MATERIALS – The use of profane, vulgar, or other improper language, gestures, comments, or material, or the possession of any profane, vulgar, obscene, or other improper objects or material.
15. INCITING – Inciting to riot or to disrupt or attempt to disrupt the operation of the school.
16. ILLEGAL SUBSTANCES – Sale, possession, intent to sell, or intent to make a purchase, concealment, or uses of any substance containing betel nut or illegal drugs, including, but not limited to marijuana, hemp and hemp products, as defined in R.C. 928.01, as well as any counterfeit controlled substances, look-a-like substances, drug paraphernalia, inhalants, consumables, near beer or alcoholic beverages or the unauthorized use and/or distribution of over-the-counter medication or prescription medication. Evidence of any use is a violation. (Ex: E-cigarettes, vapor devices, and e-liquids are prohibited.)

17. INSUBORDINATION – The failure to comply with directions of school personnel or acting in defiance of authority, including intentional interference with the performance of a teacher’s duties or failure to identify oneself to school personnel when requested. Also included within is the failure to accept discipline or punishment from appropriate school personnel.
18. LOITERING/TRESPASSING – Occupation of, or loitering on, near, or around school property or unauthorized areas without authorization.
19. REPEATED VIOLATIONS – Repeated violations of the code of behavior.
20. RULES – Violation of rules and policies of the classroom, school, and the Revere Board of Education.
21. SEXUAL CONTACT – Defined as any touching of an erogenous zone of another or public display of affection.
22. SCHOOL PERSONNEL – Harassment, vandalism, physical abuse, theft, or other disruptive or destructive behavior toward school personnel during school and non-school time regardless of the location.
23. THEFT – Confiscate, possess, or steal private or public property of the school or another individual.
24. TOBACCO – Use and/or possession of tobacco products in the school buildings, within sight of the school buildings, on school grounds, or in areas in which school sponsored activities are taking place. (Ex: E-cigarettes and vapor devices are prohibited.)
25. UNAUTHORIZED TOUCHING – Touching another person without permission or consent.
26. UNAUTHORIZED MATERIALS – Publication or distribution of unauthorized material. This includes postings throughout the school and school grounds.
27. VANDALISM – The destruction or defacing of public or private property.
28. WEAPONS – Possession, concealment, use, threat of use, or exhibition of a firearm or other weapon, or look-a-like weapon. A weapon is defined as either an item designed to inflict injury or an item designed for another purpose then converted to a weapon through its use.
29. GANG MEMBERSHIP AND/OR GANG ACTIVITY – For purposes of this policy, a gang is an organization, association, or group of three (3) or more people, using a

common name or one or more common identifying signs, symbols, or colors, whose members individually or collectively engage in criminal activity.

30. Violation of any Executive Orders or laws, or policies, rules, regulations or directives concerning social distancing, hand washing, wearing of masks, or other health and safety protocols generated by the District in response to the COVID-19 pandemic.

Students found in violation of any section of this code of conduct may be immediately removed from school and recommended to the Superintendent for expulsion.

Parents of students suspended out-of-school for ANY length of time may be asked to personally return the child to school and meet with the principal/designee and/or guidance personnel before he/she is readmitted.

LEGAL REFS: O.R.C. §§3109.09, 3109.10, 3313.661

Adopted: _____

STUDENT HEALTH AND SAFETY

Student health and safety shall be safeguarded by an organized program of school health services and by the close supervision of students in all school buildings and on all school grounds. The program shall include:

- A. Maintenance of a safe school environment. The building principal shall be responsible for periodically inspecting the physical condition of all buildings and grounds.
- B. Observation of safe practices on the part of school personnel and students, particularly in those areas of instruction or extracurricular activities which offer special hazards.
- C. Careful supervision of all classrooms, recess, extracurricular and other activities, and other facilities when scheduled for student use.
- D. Compliance with all immunization requirements contained in O.R.C. §3313.67.
- E. Compliance with the emergency medical authorization requirements contained in O.R.C. §3313.712.
- F. Development of procedures for emergency situations, including fire drills, rapid dismissals, and tornado drills in accordance with O.R.C. §3737.73.
- G. Records of monthly fire drills, rapid dismissals, and tornado drills.
- H. Posting of emergency procedures in classrooms and posting of emergency telephone numbers by each telephone for use by parents, students and school personnel.
- I. Provision of first aid facilities and materials.
- J. Offering safety education to students wherever germane to particular subjects such as laboratory courses in science, shop courses, and health and physical education.
- K. Screening procedures to identify students with vision and hearing problems and a program of health counseling, referral, and follow-up.
- L. A comprehensive emergency management plan, in accordance with rules adopted by the State Board of Education, and in accordance with O.R.C. §3313.536.
- M. Compliance with applicable federal, state, and local executive orders pertaining to public health and safety.

Each principal shall be responsible for the supervision of the safety program for his/her building, and the Superintendent shall have overall responsibility for the safety program of the District. Safety rules and regulations pertinent to the above areas, as well as other areas in which student safety requires special attention or precautions, may be developed.

LEGAL REFS: O.A.C. 3301-35-06

Adopted: _____

SCHOOL AND NON-SCHOOL SPONSORED EXPRESSION

I. School Sponsored Student Publications and Productions

The Board of Education encourages student publications as a classroom-related learning experience in such courses as English, journalism, and video production, and as an extracurricular activity. Such publications allow for coverage of student activities and the writing and producing of original literary and artistic projects; however, certain necessary guidelines must be established to regulate the publication and dissemination of student publications, performance of student productions, and broadcast of student video productions.

For purposes of this policy, “publications” shall include any audio, visual, or written materials such as tapes, banners, films, pamphlets, notices, newspapers, books, or other like materials. “Productions” shall include theatrical performances, as well as impromptu dramatic presentations.

School publications/productions afford educational experiences for those students interested in these activities and should provide opportunities for the sincere expression of all facets of student opinion. In sponsoring a student publication, the Board is mindful of the fact that the publication could be available to any student attending this District, and must, therefore, be generally suitable for all students. Materials which violate or may violate the rights of others may not be published. Adherence to copyright restrictions is required in all school sponsored publications. The school paper and video productions may reflect the policy and judgment of the student editors, consistent with the guidelines set forth below.

The Board reserves the right to designate and prohibit the distribution of printed materials which are not protected by the right of free expression because they violate the rights of others. Such unprotected materials include, but are not limited to those which:

- A. Are discriminating or harassing toward an individual or group of individuals on the basis of race, sex, age, ethnicity, nationality, origin, handicap, or other protected group under Board policy;
- B. Are false and/or libelous toward any specific person or persons;
- C. Seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other religious denomination, sect, or point of view;
- D. Advocate the use or advertise the availability of drugs, alcohol, or any other substance, or which may reasonably be believed to constitute a direct or substantial danger to the health of students;

- E. Contain material that is obscene to minors as defined in Board policy, or otherwise may be deemed to be harmful to impressionable students who may receive them;
- F. Incite violence, advocate the use of force, or urge the violation of law or school regulations;
- G. Threaten a material and substantial disruption of the educational program of the school;
- H. Are obscene, indecent, vulgar, or constitute insulting or fighting words;
- I. Advertise goods or services for the benefit of profit making organizations;
- J. Fail to identify the student or organization responsible for the distribution;
- K. Solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board;
- L. Associate the District with any position other than neutrality on a matter of political or social controversy; or
- M. Fail to meet generally accepted standards of style, grammar, format, and suitability of materials.

School sponsored publications may be distributed during selected class periods and/or in the cafeteria during lunch periods by students specifically assigned by the advisor of the school sponsored publication for that purpose.

Advertising is permitted with the permission of the advisor in school newspapers, yearbooks, programs, etc. which are published by student organizations.

Faculty advisors shall advise on matters of style, grammar, format, and suitability of materials. The final decision as to the suitability of material shall rest with the principal after consultation with the student editor and faculty advisor. If no advisor is assigned, the decision will be made by the principal or his/her designee. The decision shall be made within five school days after presenting of the material to the principal. The principal's decision may be appealed to the Superintendent within five school days. The Superintendent shall reach a decision in five school days.

II. Non School-Sponsored Student Expression

The Board recognizes that each student has certain constitutional rights to various forms of expression while attending the schools. It is further recognized by the Board that, with rights of expression, there are accompanying responsibilities.

A. Verbal Expression

In expressing themselves, students bear the responsibility to refrain from the use of false or slanderous remarks, obscene, indecent or vulgar language, and to comport themselves in such ways as to allow all persons involved in discussion groups the opportunity to express themselves freely if they so desire. The use of insulting or fighting words, the very expression of which harasses other people through (1) threats of violence, or (2) defamation of character or a person's race, ethnic origin, or other protected characteristic, is prohibited.

Students who refuse to abide by the broad social rules governing fundamental fairness in human dialogue may forfeit their right to engage in such dialogue as long as such refusal persists. Students who engage in outright slander, obscenity, or any other prohibited means of expression during such dialogue, or who otherwise materially and substantially disrupt the education process or infringe upon the rights of others, may subject themselves to appropriate disciplinary action.

Students, as well as staff members, have the right to be protected from belittling and demeaning comments and names. Students or staff members who believe they have been so offended should report the circumstances to an administrator.

B. Written Expression

Students have the right to distribute or display, at reasonable times and places, written material, except expression which:

1. Is obscene to minors;
2. Is false and/or libelous;
3. Is pervasively indecent or vulgar;
4. Advertises any product or service not permitted to minors by law;
5. Constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence,

defamation of character or of a person's race, ethnic origin, or other protected group);

6. Presents a clear and present likelihood that, either because of its content or the manner of distribution or display, it will cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act; or,
7. Is otherwise prohibited by state or federal law.

Distribution or display of written material in any of the above categories is prohibited on school premises, on any property owned or controlled by the Board, or at any school-related event.

Obscene to minors is defined as:

1. The average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interest of minors;
2. The written material depicts or describes conduct that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors; or
3. The written material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

Manner of Distribution

Distribution of non-school sponsored materials will be restricted in time and manner of distribution so as not to interfere with normal school operations.

Any student wishing to distribute or display any written material must first submit for approval a copy of the written material to the principal at least five school days in advance of the desired distribution/display time, together with the following information:

1. The name of the student or organization distributing or displaying the material;
2. The date(s) of intended display or distribution; and

3. The grade(s) of students whom the display or distribution is intended.

The principal will either approve the written material and allow its distribution or display within the time, place, and manner restrictions listed below, or deny it and indicate how it violates the guidelines listed above. If permission to distribute or display the written material is denied, the student shall have the opportunity to make necessary revisions and/or deletions to bring the material into compliance with Board policy.

Permission to distribute or display written material does not imply approval of its contents by either the school, the administration of the school, or the Board, and the student may be required to include a disclaimer of school and Board approval or endorsement of the written material.

If the student is dissatisfied with the decision of the principal, s/he may submit a written request for appeal to the Superintendent. The Superintendent will render a decision within five school days. However, additional time may be needed depending on the nature of the material.

The student submitting the appeal shall have the right to appear and present the reasons, as to why distribution/display of the written material is appropriate.

Time, Place, and Manner of Distribution or Display of Approved Materials

The distribution or display of any written material shall be limited to a reasonable time, place, and manner as follows:

1. No written material may be distributed or displayed during the time or at the place of a school activity if it is likely to cause a substantial disruption of that activity or other activities;
2. No written material may be distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school;
3. Students will be allowed to distribute written material, including petitions, at a table set up in the school cafeteria during the lunch period of the person requesting to distribute or display the material. Such materials must identify their author and the student displaying or distributing the material. Exceptions to this restriction will only be given in limited circumstances as deemed appropriate by the Superintendent; and,

4. The student or organization distributing or displaying the written material shall be responsible for all cleanup of such material, including removal of posters and banners, and cleanup of litter.

Disciplinary Action

Distribution or display by any student of non-approved, non-school sponsored written material prohibited by these guidelines will be halted, and such materials will be confiscated.

When, in the judgment of the Administration, a student has violated this policy, the school officials may use the proper due process procedures for appropriate consequences.

Any other party violating this guideline may be requested to leave the school property immediately and, if necessary, the police will be called.

C. Physical Gestures

The Board recognizes that there is a need to define differences between ordinary physical gestures and those which have a connotation of obscenity or disrespect, which can impinge on the rights of others, and/or are likely to create substantial disruption to the educational process. It is the policy of the Board that the latter type of gestures is detrimental to the learning process, and thus, will not be tolerated.

III. Expression by Outside Groups

Any person or organization wishing to distribute material on school property must first submit for approval a copy of the material to the Superintendent or designee in advance of desired distribution, together with the following information:

- A. Name of the person or organization;
- B. Date(s) and time(s) of day of intended distribution;
- C. Location where person or organization wishes material to be distributed; and
- D. The age(s) of students to whom the distribution is intended.

The Superintendent or designee may either approve the distribution of the material, deny it, or allow its distribution or display within the time, place, and manner restrictions listed

below. If permission to distribute the material is denied, the person or organization shall have the opportunity to make necessary revisions and/or deletions and re-submit to the Superintendent for approval.

The determination as to the appropriateness of the materials will be based on, but not limited to, the following criteria:

- A. The written material must not interfere with the educational goals and policy of the Board.
- B. The written material must not relate to a product which is inappropriate for or illegal to minors.
- C. The written material must not be considered educationally controversial or objectionable to a significant number of parents or other members of the District's community.
- D. The written material must not interfere with instructional time.
- E. If the message is located on school equipment, or contained in a publication or audio visual presentation, it must be minimal and not prominent.

Permission to distribute or display material does not imply approval of its contents by either the administration of the school, the Superintendent, or the Board.

Time, Place, and Manner of Distribution

The distribution of written material shall be limited to a reasonable time, place and manner as determined by the Superintendent, who shall ensure that:

- A. No material is distributed or displayed during a time or at a place of a school activity if it is likely to cause a substantial disruption of that activity or of other activities;
- B. No material is distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school;
- D. The person or organization distributing the material shall be responsible for all cleanup of such material, including cleanup of all litter.

IV. Religious Expression

- A. Students may engage in religious expression before, during, and after school hours in the same manner and to the same extent that students are permitted to engage in secular activities or expression before, during, and after school hours.
- B. The Board shall give the same access to school facilities to students who wish to conduct a meeting for the purpose of engaging in religious expression as is given to secular student groups, without regard to the content of a student's or group's expression.
- C. The Board shall not prohibit a student from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Assignment grades and scores shall be calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and shall not penalize or reward a student based on the religious content of a student's work.

LEGAL REFS: O.R.C. §§3313.20; 3313.47; Ohio Student Religious Liberties Act of 2019

Adopted: _____

TITLE IX GRIEVANCE PROCEDURE
EMPLOYEE AND STUDENT

The Board of Education shall not discriminate on the basis of sex in the educational programs or activities of the District that receive federal financial assistance. The Board hereby designates the following employee as the Title IX Coordinator for the District:

Judy Myers
Coordinator of Human Resources
3496 Everett Road
Richfield, OH 44286
330-666-4155
jmyers@revereschools.org

The Title IX Coordinator's duties shall include, but not be limited to, coordinating the District's effort to comply with and carry out its responsibilities under Title IX and carry out an investigation of any complaint communicated to the District alleging its noncompliance with Title IX or alleging any uses which would be prohibited by Title IX in accordance with the procedures set forth hereinafter. The Title IX Coordinator may be assisted by such additional personnel as from time to time may be appointed.

Complaints involving alleged discrimination on the basis of sex in any program or activity that receives federal financial assistance, whether carried out by District employees, students, or third parties, shall be handled in accordance with the following procedure unless a policy has been adopted to deal with the specific discrimination. If a more specific policy exists, that policy shall be followed.

Step 1:

Any student or employee who has a complaint of alleged sex discrimination shall attempt promptly to resolve the complaint by discussion with the building principal or immediate supervisor in case of classified employees. If the building principal or immediate supervisor is the subject of the complaint, the complaint should be filed with the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint can be filed directly to the Board. The complaint should be in writing and describe, in as much detail as possible, the facts of the situation. The principal or supervisor shall keep a written record of the discussion and provide a copy to the student or employee involved.

Step 2:

If the complaint is not resolved in Step 1, the complainant may, within ten (10) calendar days after receiving an answer, file the complaint in writing with the Title IX Coordinator and mail a copy to the principal or supervisor involved. The Title IX Coordinator shall arrange a meeting to

discuss the complaint within ten (10) calendar days after receiving the written complaint, and subsequent meetings may be scheduled as agreed to by both parties. The Title IX Coordinator shall conduct an adequate, reliable, and impartial investigation of complaints, and shall allow the complainant to identify witnesses and other evidence. The Title IX Coordinator shall give a written answer to the complainant by certified mail, return receipt requested, within ten (10) calendar days after the final meeting regarding the complaint. A copy of the written answer shall also be provided to the accused and the building principal or supervisor.

Step 3:

If the decision rendered by the Title IX Coordinator does not resolve the complaint to the satisfaction of the complainant or the accused, such person can, within ten (10) calendar days, appeal in writing to the Board. The notice of appeal shall be sent to the Title IX Coordinator and a copy filed with the Treasurer of the Board. Failure to file such appeal within ten (10) calendar days from the receipt of the written memorandum of the Title IX Coordinator's action on said grievance shall be deemed a waiver of the right to appeal. The Superintendent shall place the matter on the agenda for the next meeting of the Board to be held within thirty (30) days, and the complainant and the accused shall be advised in writing of the time, place, and date of the meeting.

The complainant and the accused shall receive written notice of the meeting no less than five (5) calendar days in advance of the meeting. The Board shall act upon such appeal officially no later than its next regular meeting following the meeting with the complainant. Copies of the final decision shall be sent to the complainant, the accused, the Title IX Coordinator, and the building principal or supervisor. The decision of the Board shall be final.

If the grievance cannot be resolved through the above procedure, a request for an official interpretation may be filed with the U.S. Department of Education – Office for Civil Rights, Bank One Center, Room 750, 600 Superior Avenue East, Cleveland, Ohio 44114-7650.

If discrimination in violation of Title IX is found to have occurred, steps will be taken to prevent its reoccurrence and to remedy its effects on the complainant, and others, if appropriate. The District will use a “preponderance of the evidence” standard to determine whether a hostile environment exists.

LEGAL REFS: 34 C.F.R. 106.8

Adopted: _____

MANDATORY

COMPLAINTS OF SEXUAL HARASSMENT

Sexually offensive speech and conduct are wholly inappropriate to the operation of the District and will not be tolerated. This policy or a version which provides students adequate notice of the prohibition against sexual harassment, the conduct that constitutes sexual harassment, and the complaint procedure for reporting sexual harassment shall be included in the student handbooks.

It shall be a violation of this policy for any member of the District staff to harass a student through conduct or communications of a sexual nature as defined below or to have romantic or sexual relations with a student. Retaliation in any form against those persons alleging that sexual harassment has occurred or participating in the investigation of the complaint is also prohibited. It shall also be a violation of this policy for students or third parties (i.e., visiting speaker, or visiting athletic team) to harass other students through conduct or communications of a sexual nature as defined below.

Any teacher, counselor or administrator who receives a report, verbally or in writing, from any person regarding sexual harassment of a student or employee must forward that report to the building principal or Title IX Coordinator within one school day or within a reasonable period of time if there is a good cause for the delay. Any building principal receiving a report of sexual harassment shall promptly notify the Title IX Coordinator.

The District's designated and authorized Title IX Coordinator is:

Judy Myers
Coordinator of Human Resources
3496 Everett Road
Richfield, OH 44286
330-666-4155
jmyers@revereschools.org

The designated/authorized Title IX Coordinator and his/her contact information shall be made known to all applicants for admission and employment, students, parents or legal guardians of students, employees, and all of the District's employee unions. Further, the District shall prominently display on its website the contact information for the Title IX Coordinator.

No person designated by the District to serve as a Title IX Coordinator, investigator, decision maker, or any person designated by the District to facilitate an informal resolution process, shall have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

1. Definitions

- a. Sexual harassment – conduct on the basis of sex that satisfies one or more of the following:
 - (i) A school employee conditioning education benefits on participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*); or
 - (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
 - (iii) Sexual assault (as defined in the Clery Act, 20 U.S.C. 1092(f)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.
- b. Complainant – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- d. Formal complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education programs or activities of the District.

2. Duty to Respond

The District will promptly respond when an allegation of sexual harassment occurs in an education program or activity. Education programs and activities include locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs. This may include computer and internet networks, digital platform, and computer hardware or software owned or operated by or used in the operations of the District’s schools.

3. Supportive Measures

“Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to an alleged victim or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. The purpose of supportive measures is equal access to education.

The District shall offer supportive measures to a complainant. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Supportive measures may include:

- a. Counseling;
- b. Extensions of deadlines or other course-related adjustments;
- c. Modifications of class schedules;
- d. Campus escort services;
- e. Mutual restrictions on contact between the parties;
- f. Leaves of absence;
- g. Increased security and monitoring of certain areas of campus.

4. Complaint Procedure

- a. Any student or staff member who alleges sexual harassment by any staff member or student in the District may complain directly to the Title IX Coordinator, guidance counselor, teacher, Superintendent, any other school employee whom the student or staff member trusts, or any other individual designated to receive such complaints. An individual who is complaining of sexual harassment is not required to work out the problem directly with the individual alleged to have harassed him or her.

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

The District will treat a person as a complainant any time it has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment (regardless of whether the person themselves reported, or a third party reported the sexual harassment), and irrespective of whether the complainant ever chooses to file a formal complaint.

- b. Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited. No employee or representative of the District, nor any other person, may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Complaints alleging retaliation may be filed according to the procedures for sex discrimination.

Therefore, filing of a complaint or otherwise reporting sexual harassment will not reflect upon the student's or staff member's status nor will it affect future employment, grades, or work assignments. The person to whom the complaint was made shall, within one school day, report the complaint to the Title IX Coordinator. If the Title IX Coordinator or Superintendent is the employee alleged to have engaged in the sexual harassment, the report shall be made to the Board.

- c. The right to confidentiality, both of the complainant and of the respondent, will be respected consistent with the District's legal obligation, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. The District will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

5. Investigation

- a. The investigator should remember that the investigation requires a balancing of the respondent's rights, the complainant's right to an environment free of sexual harassment, and the Board's interest in a prompt and fair investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties. The investigator shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- b. The investigator shall send written notice to both parties of the allegations set forth in the complaint upon receipt of a formal complaint. The notice must include sufficient details known at the time, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The notice must include a statement that the respondent is presumed not responsible

for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and notice of any provision in District's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. If a party chooses to have an advisor, he/she may be accompanied to any related meeting or proceeding by the advisor.

- c. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
- d. Following the meeting with the complainant, the investigator shall conduct an adequate, reliable, and impartial investigation to determine if sexual harassment has occurred. The investigation shall include a conference with the respondent and the complainant, as well as any and all other methods which are considered necessary to determine whether harassment has occurred. Both parties must be permitted an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties shall not be restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence.
- e. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so.
- f. Both parties shall be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- g. The District shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

6. Post-Investigation Procedures

Prior to completion of the investigative report, the school district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 school days to submit a written response, which the investigator will consider prior to completion of the investigative report. All such evidence must be subject to the parties' inspection and review and be available at any hearing.

Upon conclusion of the investigation, the investigator shall issue a written report to the parties and their advisors that fairly summarizes the relevant evidence. After the investigative report has been sent to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision maker(s) must explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

Although the facts and circumstances of a particular investigation may require an investigation to continue beyond 45 school days, it is recommended that the investigation and a report of the findings be completed within that time frame. The report shall include a determination of whether the respondent was found to have engaged in harassment, was found not to have engaged in harassment, or whether the investigation was inconclusive.

The District shall use a "preponderance of the evidence" standard to make such determination. This shall be the same standard used for both complaints involving students and staff members. The burden rests on the District to meet that standard for purposes of reaching a determination regarding responsibility.

The report shall be issued to the complainant, if an employee, or to the complainant's parents, if a student. A copy of the report shall also be sent to the Superintendent or his/her designee and the respondent.

7. Final Determination

- a. Following receipt of the investigator's report and recommendation, the decision maker (who cannot be the same person as the Title IX Coordinator or investigator) must issue a written decision which sets forth the decision maker's determination of responsibility or non-responsibility based on the relevant standard of evidence. The written decision shall include the following elements:
 1. Identification of the allegations potentially constituting sexual harassment.
 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
 3. Findings of fact supporting the determination.
 4. Conclusions regarding the application of the school district's code of conduct to the facts.
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's education program or activity will be provided by the school district to the complainant.
 6. The District's procedures and permissible bases for the complainant and respondent to appeal.
- b. The decision maker must objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence.
- c. Credibility determinations shall not be made on based on a person's status as a complainant, respondent or witness.
- d. The decision maker must provide his/her written decision to the parties simultaneously within 15 school days of receipt of the investigator's report and recommendation.
- e. The Title IX Coordinator is responsible for effective implementation of any remedies set forth in the written determination.

8. Informal Resolution

The District may offer informal resolution options if a formal complaint is filed, at any time prior to reaching a determination regarding responsibility, provided both parties give voluntary, informed, written consent. The District shall not require, as a condition of enrollment or continuing enrollment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint. The investigator may not require the parties to participate in an informal resolution process. The investigator will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. If an informal resolution is sought by the parties, a written statement to that effect shall be signed by the parties, and the informal resolution process will conclude within 20 school days of the parties' signature.

9. Appeals

- a. The District will offer both parties the opportunity to appeal from a determination regarding responsibility, and from a dismissal of a formal complaint or any allegations therein on the following bases:
 - (i) Procedural irregularity that affected the outcome of the matter;
 - (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
 - (iii) The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias that affected the outcome of the matter.
- b. An appeal must be submitted in writing to the Title IX Coordinator within five school days of the issuance of the determination regarding responsibility, which includes a statement specifying the grounds for the appeal. The opposing party will be notified of the appeal and provided five school days from such notice to submit to a statement in support of the outcome.
- c. An "Appeal Decision Maker" shall be designated by the Superintendent to review the investigative report and the statements submitted by the parties as part of the appeal. The Appeal Decision Maker shall investigate whether a basis for overturning the decision regarding responsibility exists. The Appeal Decision Maker shall not be the same person as the decision maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

- d. The Appeal Decision Maker shall issue a written decision describing the result of the appeal and the rationale for the result, and shall provide the written decision simultaneously to both parties and their advisors within 20 school days of the Title IX Coordinator's receipt of a parties' notice of appeal of the original decision maker.

10. Dismissal of Complaints

- a. Complaints must be dismissed by the decision maker where the allegations, if true, would not meet the Title IX jurisdictional conditions:
 - (i) The actions complained of do not meet the definition of "sexual harassment";
 - (ii) The actions complained of were not against a person in the United States;
 - (iii) The actions complained of did not occur in the District's education program or activity.
- b. Complaints may be dismissed by the decision maker where:
 - (i) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - (ii) The respondent is no longer enrolled or employed by the District; and/or
 - (iii) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the allegations contained in the formal complaint.
- c. The Title IX Coordinator will promptly send the parties simultaneous written notice of any dismissal decision, and the reason(s) therefore.
- d. Both parties shall have the right to appeal a dismissal decision by submitting written notice of appeal to the Title IX Coordinator within five school days of the issuance of the dismissal notice. The Appeal Decision Maker shall review the notice of appeal and issue a decision regarding the appeal in writing to both parties within 10 school days of the issuance of the notice of dismissal.

11. Discipline and Remedies

A substantiated charge against a student in the District shall subject that student to disciplinary action, including suspension or expulsion, consistent with the Student Discipline Code. A substantiated charge against an employee shall result in the employee being subjected to disciplinary action, up to and including termination. Making a materially false statement in bad faith in the course of an investigation under this policy may subject a student or employee to disciplinary action.

Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process outlined in this policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. All remedies provided by District shall be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services provided as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

12. Training

The District will ensure that Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The District shall further ensure that decision makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The District shall also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

13. Time Limits

All time limits established in this policy be temporarily delayed or extended by the Title IX Coordinator for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent

law enforcement activity; or the need for language assistance or accommodation of disabilities.

14. Consolidation of Formal Complaints

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

15. Record Keeping

The District shall maintain, for a period of seven years, records of:

- a. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- b. Any appeal and the result therefrom;
- c. Any informal resolution and the result therefrom;
- d. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on its website; and
- e. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education program or activity. If the District does not provide a complainant with supportive measures, then the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

LEGAL REFS: Title IX of the Education Amendments of 1972
34 C.F.R. 106

Adopted: _____

FACE COVERINGS (“MASKS”)

In accordance with the “Director’s Order Requiring the Use of Facial Coverings in Child Education Settings” issued by the Interim Director of the Ohio Department of Health on August 14, 2020, the Board will enforce the rules set forth in this policy concerning face coverings (“masks”). If the requirement to wear a mask is made applicable to more people or in more circumstances than are set forth under this policy because of a law, rule, regulation, or order from federal, state, county or local government, or governmental agency, this policy shall be read to include such requirement, while in effect, without the necessity of adopting a change to the policy to reflect such requirement.

A mask is any material that covers an individual’s nose, mouth and chin.

Except as otherwise permitted herein, all students, faculty, and staff in a child care setting, school building, or other location that provides care or education to any child in kindergarten through grade twelve shall wear masks at all times when:

1. In any indoor location including, but not limited to, classrooms, gymnasiums, offices, locker rooms, hallways, cafeterias, and/or locker bays;
2. Outdoors on school property and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household;
3. Waiting for a school bus outdoors and unable to maintain a distance of six feet or more from individuals who are not members of their household; or
4. Riding a school bus.

The requirement that students, faculty, and staff wear a mask does not apply when any of the following are applicable, as determined by the educator supervising the educational setting, building principal or Superintendent:

1. The individual has a medical condition, including respiratory conditions that restricts breathing, mental health conditions, or a disability that contraindicates the wearing of a mask;
2. The individual is communicating or seeking to communicate with someone who is hearing impaired or has another disability where an accommodation is appropriate or necessary;
3. The individual is actively participating in outdoor recess and/or physical activity where students are able to maintain a distance of six feet or more, or athletic

practice, scrimmage, or competition that is permitted under a separate Department of Health Order;

4. The individual is seated and actively consuming food or beverage;
5. Where student and staff can maintain distancing of at least six feet and removal of the mask is necessary for instructional purposes, including instruction in foreign language, English language for non-native speakers, and other subjects where wearing a mask would prohibit participation in normal classroom activities, such as playing an instrument;
6. Students are able to maintain a distance of six feet or more and a mask break is deemed necessary by the educator supervising the educational setting;
7. The individual is alone in an enclosed space, such as an office; or
8. When an established, sincerely-held religious requirement exists that does not permit a mask.

If a student is unable to procure a mask for himself/herself, the District will provide a mask.

Violations of this policy by a student may result in discipline, up to and including expulsion. Violations of this policy by staff members may result in disciplinary consequences, in accordance with any applicable collective bargaining agreement. Individuals/groups found to be in violation of this policy may be removed from District property, with the assistance of law enforcement if necessary.

All other individuals entering upon Board property and all occupants of school buses and vans, are required to wear a mask at all times. This requirement applies to, but is not limited to, the following: volunteers, Board members, parents/guardians, community members, contractors, businesses, groups renting the District's facilities, persons attending Board meetings, and persons attending extra-curricular activities.

Adopted: _____

RECORDING OF ACADEMIC INSTRUCTION AND OTHER SERVICES

Due to school building closures in response to epidemics and other exigencies, the District may provide academic instruction and other services (together, “services”) for students and parents remotely, through an online format. The provision of services through online means may enable students, parents, or third parties to create an audio or video recording of the services. The Board expressly prohibits such activity, except in the limited situations outlined below, as the recording of services may violate the privacy rights of other students and employees of the District. This policy shall be uniformly applied.

The following are exceptions to the prohibition against recording services. For any exception to be applicable, the student, parent, or third party seeking to record services must: (1) make an advanced written request to the student’s building principal which identifies the services to be recorded, the date and time the services are to be recorded, and the applicable exception permitting such recording; and (2) obtain the advance written permission of the relevant student’s building principal.

- A. The recording of an Individualized Education Program (“IEP”) meeting shall be permitted if necessary to ensure that a parent understands the student’s IEP or the IEP process, or to implement other parental rights guaranteed under Part B of the Individuals with Disabilities Education Act.
- B. A recording may be permitted if it does not include audio or video of any other District student, and all District employees providing the services consent to the recording, in writing, in advance of such recording.

A person permitted to record services under this policy expressly agrees that services rendered by District employees occur within the scope of their employment by the Board, and are therefore the intellectual property of the Board. The Board expressly retains all legal rights and privileges associated with its ownership of such intellectual property. A person permitted to record services under this policy agrees that the recording shall be only for personal use and for the use of the relevant student. No such recording may be shared with a third party by any means, posted on the internet, or made commercially available in any form, without the written permission of the Board.

LEGAL REFS: O.R.C. 3319.321; 20 U.S.C. 1232g; 17 U.S.C. 101-120

Adopted: _____