Book	Policy Manual
Section	Policies for the Board
Title	Copy of Vol. 44, No. 1 - August 2025 OVERVIEW
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OVERVIEW FOR THE BOARD

VOLUME 44 NUMBER 1

AUGUST 2025

BYLAWS AND POLICIES

Policy 1422/3122/4122 - Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment (Replacement)

Policy 1422.02/3122.02/4122.02 - Nondiscrimination Based on Genetic Information of the Employee (DELETE/RESCIND)

Policy 1662/3362/4362 - Anti-Harassment (DELETE/RESCIND)

Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity (Technical Correction)

Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (Technical Correction)

Policy 1623/3123/4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment (Technical Correction)

Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

A revision to this policy and AG is necessary because of June 23, 2025, the National Incident-Based Reporting System ("NIBRS") definition of fondling changed. The term officially is "criminal sexual contact". In response to USDOE's February 2025 "Dear Colleague" letter and subsequent Executive Order, it is suggested that the terms "sexual orientation and gender identity" be removed from the parenthetical definition of "sex" in the policy since all language in the Guidance documents defining "sex" under Title VII to include "sexual orientation" and/or "gender identity" was contrary to Title VII and therefore vacated. Neola recommends you discuss this issue with your local legal counsel before deciding whether to include or delete the language. Regardless of whether you

elect to include the language, it is critical that you consult with your local legal counsel if a situation arises involving an allegation of discrimination or harassment based upon sexual orientation or gender identity.

Additionally, the address of the USDOE Office for Civil Rights has been changed to the Washington D.C. office.

Policy 3130 - Assignment and Transfer (Revised)

The biennium budget bill included an important provision declaring that superintendents shall assign teachers based on the best interests of students enrolled in the District. The law further provides that seniority and continuing contract status cannot be primary factors in making assignment decisions. The law also provides that collective bargaining agreements cannot supersede the assignment language. For districts with collective bargaining agreements, the law does not apply until the expiration of the current contract. Policy 3130 has been revised to reflect this change in the law.

Policy 5130 - Withdrawal from School (Revised)

A minor adjustment has been made to PO 5130, specifically to remove the requirement that schools notify the Registrar of Motor Vehicles if a student under eighteen (18) withdraws from school without moving out of State, transferring to another school, or otherwise meeting another exception to the law on compulsory school age. This change was implemented through HB 96.

Policy 5136 - Personal Communication Devices (Revised)

NEOLA released an updated cell phone policy on July 21, 2025, as a Special Update in response to recent changes passed by the biennium budget bill. Under HB 96, which takes effect September 30, school districts are directed to adopt a policy that "prohibit[s] all cellular telephone use by students during the instructional day" with a few noted exceptions. The exceptions further state that "[i]f determined appropriate by the district board, . . . students may use cellular telephones or other electronic communication devices for student learning or to monitor or address a health concern." Policies must be adopted by January 1, 2026.

Although the new law does not further define the term "instructional day," other laws provide some guidance as to the term's meaning. R.C. 3313.48 states that a school district must be open for instruction with students in attendance for a stated minimum number of hours. Lunch and breakfast periods, as well as extracurricular activities, cannot be counted toward the minimum hours of instruction under the law. The language cited above seems to imply that a board has discretion when adopting policy. It therefore seems reasonable to conclude that boards may, through adoption of policy, permit students to use cell phones during these noninstructional times.

However, caution is advised in selecting the options that authorize use during noninstructional time, such as lunch, recess, and class changes. On August 11, 2025, the Ohio Department of Education and Workforce ("DEW") sent a communication to schools addressing the recent change in the law. The communication states that students may not use cell phones during the instructional day, and defines the term to include "any period of time in which a student is expected to be in attendance and includes not only formal instruction time but also supervised activities, such as transitioning between classes, recess, meal periods, and field trips." The DEW provides no actual legal support for this definition. However, it seems consistent with similar messages and statements made recently by members of the legislature and the governor's office, that the intent of the law is to ensure that students not use cell phones at all during any part of the school day.

While NEOLA has included several options that districts may elect that permit students to use phones during noninstructional time, caution on including those options is advised in light of these recent statements. School districts are required to permit use of cell phones as stipulated in an individualized education plan ("IEP") or Section 504 plan. Additionally, schools must permit students to use cell phones to monitor health conditions upon receipt of a physician's written statement indicating there is a need. Finally, schools must include a protocol that addresses student cellphone use during an active threat or emergency in the district's comprehensive emergency management plan for each school building. The bill suspends the cellphone prohibition for a school building during an active threat or emergency if the building's comprehensive emergency management plan permits it. School districts still have the option of permitting students to possess cell phones in schools, although again, use must be restricted.

Neola relies on the words in the law to guide language in policies. The law, as written, appears to allow some discretion for boards to permit use of phones during noninstructional time. A number of districts have stated that they want to include this use in policy. Therefore, the options still remain in the policy template. However, you are encouraged to seek legal counsel for further guidance before selecting any options.

Policy 5200 - Attendance (Revised)

Among the most significant changes implemented through HB 96 involve an overhaul of student attendance and truancy laws. Under the new law, truancy intervention plans are a thing of the past. Schools are no longer required to assign students to absence intervention teams, who are currently required to develop the truancy intervention plans. Instead, a district is required to establish at least one absence intervention team districtwide to work with students at risk of becoming chronically absent and their families to improve student attendance. Districts are also required to notify parents when a student misses a designated number of hours as determined by the board, which cannot be greater than five percent (5%) of the state's minimum hours of instruction. Truancy filings are also modified as follows. A district's attendance officer is required file a complaint in the juvenile court against any student who is habitually truant, which is defined as being absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school month, or for seventy-two (72) or more hours in one (1) school year, unless the district determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school. If no determination of progress is made, or if the school determines that the student and the student's family have ceased to continue making progress in improving the student's attendance, the attendance officer must proceed to file a complaint in juvenile court against the student. The complaint must allege that the child is unruly for being habitually truant, and the parent, guardian, or other person having care of the child has violated Revised Code 3321.38. The law states that districts are required to adopt a policy no later than July 1, 2026, which incorporates a number of elements and reflects the recent changes in the law. However, recall that HB 96 takes effect September 30, 2025. Presumably, the new provisions of truancy law take effect at that time, which leaves a gap between the effective date and the date by which a district must adopt a policy. NEOLA consulted with the DEW and elected to modify the policy for this release to incorporate all of the recent changes. School districts are therefore able to implement the policy for the majority of the current school year.

Other changes were also made to the policy. For instance, the legislature adopted a provision in HB 96 that permits a student to be excused from school for up to eight (8) hours to attend a driver's education course. The student is limited to being absent up to two (2) hours each day for up to four (4) days total. An absence cannot occur during a "core curriculum subject course." As with religious release time, this term is not further defined in the law. Additionally, the policy has been updated to reflect that school districts may no longer report truant students to the Registrar of Motor Vehicles.

Policy 5223 - Released Time for Religious Instruction ("RTRI") (Revised)

The Budget Bill further amended RC 3313.6022 ("Released time courses in religious instruction") to now require that board policy authorize participating students to be excused from school to attend RTRI for at least one (1) period per week. However, that policy must also limit released time to no more than two (2) periods in any week for elementary or middle school students. For high school students, release time cannot exceed the amount of time that is equivalent to attending two (2) units of high school credit each week.

The release time statute was further amended to provide that no RTRI policy can prohibit students from "bringing external educational and program materials into school."

This policy has been modified to align with these changes.

Policy 5410 - Promotion, Academic Acceleration, Placement, and Retention (Revised)

Along with other changes to attendance and truancy, HB 96 removed the provision of the law which mandated retention for students who miss at least ten percent (10%) of the school year. The provision that states students who fail two (2) or more classes must be retained unless the principal and teachers decide otherwise remains. Truancy is no longer attached to this consideration.

Policy 6109 - Acceptance of Payment by Credit Card (NEW)

Districts and ESCs are increasingly utilizing credit card payments as an acceptable mode of paying outstanding balances for fees and services. Recently, representatives from the auditor's office have requested that districts produce board policies which authorize acceptance of payment by credit card. This policy was modified to incorporate requirements and expectations for accepting payment by credit card.

Policy 6152 - Student Fees, Fines, and Charges (Technical Correction)

An option in this policy allows for utilizing credit card payments as an acceptable mode of paying student fees, fines, and charges. If that option is used, the technical correction refers to Policy 6109, which provides the requirements and expectations for accepting such payment by credit card.

Policy 6830 - Audit (Revised)

Current law requires a treasurer to produce an accounting of all money, bonds, and securities of the board at the expiration of their current term or before the board approves surety of the Treasurer. Upon production of accounts, the board or a committee of the board, or alternatively a representative of the auditor of state, is required to count the money. The board is then required to certify and enter the amount into the records of the board. HB 96 strikes the option to delegate the duty to count funds to a representative from the auditor's office. After September 30, 2025, this task must be performed by the board or a committee of the board. Policy 6830 now summarizes this requirement.

Policy 7540.02 - Digital Content and Accessibility (Revised)

Revisions to this policy reflect the U.S. Department of Justice ("DOJ") final rule provisions under Title II of the Americans with Disabilities Act ("ADA") requiring state and local government entities — including public schools — to make web content and mobile applications accessible to individuals with disabilities.

Policy 7541 - Electronic Data Disaster Recovery Plan (DELETE/RESCIND)

Provisions of this policy have been included in Policy 8300 - Continuity of Organizational Operations. There is no need for duplicity in the policy collection.

Policy 8300 - Continuity of Organizational Operations (Revised)

Revisions to this policy reflect provisions of the Cybersecurity Program included in HB 96.

Policy 8305 - Information Security (Revised)

Revisions to this policy reflect provisions of the Cybersecurity Program included in HB 96.

Policy 8400 - School Safety (Revised)

Revisions to this policy include the requirement regarding the 988 Suicide and Crisis Lifeline information, references Policy 5350 - Student Wellness for threats of self-harm and/or suicide, and the HB 96 requirement that Emergency Management Plans include a protocol enabling student use of cellular telephones during an active threat or emergency. Language was added regarding appropriate use of temporary door locking devices.

Policy 8462 - Student Abuse and Neglect (Revised)

In the last biennium budget bill, schools were tasked with providing training in child sex abuse to certain designated staff, including nurses, teachers, administrators, counselors, school psychologists, and mental health providers. The law further specified that the training must be provided by either a law enforcement officer or prosecutor who has experience in handling cases involving sex abuse or child sexual violence. HB 96 modified the law to strike the requirement that the training be provided by law enforcement or prosecutors. It also modified the requirement that the DEW develop model curriculum for the training. School districts are now tasked with developing their own curriculum for youth suicide prevention and child sexual violence in consultation with public or private agencies or persons involved in these areas. PO 8462 incorporates these changes.

Policy 8640 - Transportation for Non-Routine Trips (Revised)

The Ohio Department of Education and Workforce ("DEW") recently updated transportation regulations, which took effect July 1, 2025. Among the various changes is a provision that expressly permits students to eat or drink on the bus for non-routine trips such as athletic events as long as there is at least one chaperone accompanying the students on the bus. PO 8640 now includes optional language that allows a board of education to sanction this activity.

Book	Policy Manual
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Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
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Replacement Policy - Vol. 44, No. 1

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

NONDISCRIMINATION

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

~~**[DRAFTING NOTE: Given this policy pertains to discrimination/harassment in an employment context, there is a legal basis to include the optional language in the above parenthetical – i.e., "sexual orientation; and gender identity"; namely, the U.S. Supreme Court held in Bostock v. Clayton Cnty., 590 U.S. 644 (2020), that Title VII's prohibition of discrimination on the basis of sex necessarily includes a prohibition of discrimination on the basis of sexual orientation and gender identity. On May 15, 2025, however, a Federal District Court in Texas declared unlawful and vacated portions of the EEOC's 2024 Enforcement Guidance on Harassment in the Workplace that had interpreted the Bostock ruling to control employment actions beyond simply prohibiting termination of an employee based on the person's sexual orientation or gender identity, which was the interpretation recognized by a majority of the U.S. Circuit Courts. The Texas District Court, however, found that all language in the Guidance document defining "sex" under Title VII to include "sexual orientation" and/or "gender identity" was contrary to Title VII and therefore vacated. Neola recommends you discuss this issue with your local legal counsel before deciding whether to include the language. Regardless of whether you elect to include the language, it is critical that you consult with your local legal counsel if a situation arises involving a workplace dispute in which an employee could conceivably allege discrimination or harassment based upon the employee's sexual orientation or gender identity.]**~~

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

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

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

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

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

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

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

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

Definitions:

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

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

Complainant means:

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

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

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

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

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

Education programs or activities refers to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

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

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

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

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

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

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

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

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

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

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

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

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

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

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

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

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

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

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

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

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

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

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Ohio organized militia. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

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

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome;

chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

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

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

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

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

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

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

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

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

Pregnancy, Childbirth, and Related Medical Conditions

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

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

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

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

Nondiscrimination Based on Employee's Genetic Information

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

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

~~[ ]~~The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.~~**[END OF OPTION]**~~

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

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

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

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

District Compliance Officer(s)

~~**[DRAFTING NOTES:**~~

1. ~~**Neola suggests the Board appoint both a male and a female to serve as the District Compliance Officers. By appointing two (2) District Compliance Officers, there should always be a District Compliance Officer available to address a claim that pertains to the other District Compliance Officer. If, however, the Board appoints more than one (1) District Compliance Officer, Neola recommends that it designate one (1) of the District Compliance Officers to retain ultimate oversight over the assigned responsibilities and ensure the Board's consistent compliance with its responsibilities under applicable Federal and State laws that prohibit unlawful discrimination/harassment based on protected classes and retaliation. Alternatively, the Board could appoint a District Compliance Officer and one (1) or more persons to assist the District Compliance Officer with the performance of the**~~

~~responsibilities identified in this policy and its accompanying administrative guidelines. Often, the person(s) designated to assist a District Compliance Officer is/are called Deputy or Assistant Compliance Officer(s). If the Board elects this alternative approach, it would designate a District Compliance Officer for purposes of this policy, and then designate the other position(s) through its AG. The person(s) in the alternative support role(s) will need to be trained in the same manner as the District Compliance Officer (see AG 1422).~~

2. ~~The Board must list in this policy either the Name(s) or Title(s) of the District Compliance Officer(s); while the Board may list both the Name(s) and Title(s), Neola suggests that the Board only list the Title(s) in this policy (so the Board does not need to revise/amend the policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name(s) and Title(s) in the requisite notices/postings (e.g., website) and publications (e.g., handbooks). The District will also need to decide whether to list the Name(s) and Title(s), or just the Title(s), in Administrative Guideline 1422 if the District elects to identify the District Compliance Officer in the AG (see DRAFTING NOTE in the AG; again, if the District lists the Name(s) and Title(s), it will need to remember to update the AG whenever there is a change in the actual person(s) holding the designated position(s). No matter what, the Board will need to amend its policy and update its AG, requisite notices/postings, and publications whenever it changes the Title of the position(s) designated to serve as the District Compliance Officer(s).~~

3. ~~Reminder: Whenever a new person begins to serve as the District Compliance Officer (or in a support role to the District Compliance Officer), the District needs to make sure the new person is appropriately trained, in a timely manner, to fulfill the responsibilities of the position to which the person is assigned.]~~

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

_____

~~(Name and/or School District Title)~~

_____

~~(Office Address)~~

_____

~~(Email Address)~~

_____

~~(Telephone Number)~~

Superintendent

419-833-6011

4800 Sugar Ridge Road

Pemberville, OH 43450

Middle School Assistant Principal

419-833-6411

4800 Sugar Ridge Road

Pemberville, OH 43450

~~[DRAFTING NOTE: The District may want to create a static (i.e., fixed) District Compliance Officer-specific email address and phone number that will not change when the person(s) and/or position(s) designated to be the CO(s) change(s) – e.g., CO4CivilRights@(insert District's domain) – which the Technology Director/Department can program to be forwarded to the actual individual(s) serving as the District Compliance Officer(s) at any given time. Likewise, the District may want to establish a static Telephone Number for the position of District Compliance Officer that can be forwarded to, and accessed by, the actual person(s) serving in the CO position(s) at any given time. These two (2) steps will help reduce the information that needs to be updated in policy, AG, and/or the requisite notices/postings and publications when changes occur to the specific person(s)/position(s) designated to serve as the CO(s).]~~

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~~[DRAFTING NOTE: Complete the following information if the Board appoints more than one (1) District Compliance Officer.]~~

-

~~[ ] [DESIGNATION OF A SECOND DISTRICT COMPLIANCE OFFICER]~~

-

_____

~~(Name and/or School District Title)~~

_____

~~(Office Address)~~

_____

~~(Email Address)~~

_____

~~(Telephone Number)~~

-

~~[END OF OPTION]~~

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~~[DRAFTING NOTE: As discussed above, if the Board designates more than one (1) CO, Neola recommends that the District select the following option.]~~

~~[ ]~~ The Board designates _____ Superintendent ~~[DRAFTING NOTE: Insert Name and/or Title of the District Compliance Officer who is ultimately responsible for the District's compliance with its responsibilities under Federal and State laws that prohibit discrimination/harassment based on Protected Classes and retaliation]~~ as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of protected classes and retaliation. ~~[END OF OPTION]~~

~~[ ]~~ The District Compliance Officer may delegate specific duties to one (1) or more designees. ~~[END OF OPTION]~~

The contact information concerning the District Compliance Officer(s) will be published on the School District's website ~~( )~~ and annually ~~[END OF OPTION]~~:

A. ~~( ) in parent/student and staff handbooks.~~

B. ~~( ) in the School District Annual Report to the public.~~

C. ~~( ) on each individual school's website.~~

D. ~~( ) in the School District's calendar.~~

E. ~~( ) [Other]~~ _____.

~~[DRAFTING NOTE: The Board may want to select the following option when the Superintendent is not the CO. While Neola recognizes that this may not always be possible, it may be preferable to have the CO be someone other than the Superintendent because then – if the CO serves as the investigator and decisionmaker – the Superintendent can serve as the appeal decisionmaker or the facilitator for the informal resolution process.]~~

~~[ ]~~ The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to ~~[SELECT ONE OF THE FOLLOWING] ( )~~ the Board President ~~( )~~ the Board's Legal Counsel ~~( )~~ _____ ~~[OTHER] [END OF OPTIONS]~~ until the matter in which the Superintendent is a party is concluded. ~~[END OF OPTION]~~

Questions about this policy ~~( )~~ and AG 1422 ~~[END OF OPTION]~~ should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act ("GINA"), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~( )~~ Any sections of the District's collective bargaining agreements dealing with hiring, promotion, demotion, discipline, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement set forth above. ~~[END OF OPTION] ( )~~ In addition, as practical, gender-specific terms should be eliminated from such contracts. ~~[END OF OPTION]~~ Copies of the laws and regulations listed above are available upon request from the CO(s).

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

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

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. ~~( )~~ See AG 1422 - Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment and Form 1422 F1 – Notice and Statement of Nondiscrimination. ~~**[END OF OPTION]**~~

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours). **( )** Anonymous reports may be submitted using ~~( )~~ the online reporting form posted at ~~_____~~www.eastwoodschools.org ~~**[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] ( )** the hotline reporting number (~~_____~~**[insert phone number]**). ~~**[END OF OPTION]**~~

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) days of learning the information or receiving the report. ~~**[DRAFTING NOTE: The applicable statutes and regulations do not specify within how many days the Board employee must notify the CO of receiving notification/a report of Prohibited Conduct; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., "* * * must immediately/promptly notify the/a CO of such information or report."]**~~ The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

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

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

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

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies ~~( )~~ and/or administrative guidelines ~~**[END OF OPTION]**~~, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days ~~[DRAFTING NOTE: The applicable laws and/or regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days."]~~ of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

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

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

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

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~~[DRAFTING NOTE: Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment. Specifically, it prohibits employment discrimination based on race, color, religion, sex, or national origin, and applies to employers with fifteen (15) or more employees. Title IX, on the other hand, specifically prohibits discrimination based on sex in education programs and activities that receive Federal financial assistance, including employment within those institutions. Title IX is addressed by Board Policy 2266 and AG 2266. While both laws aim to prevent sex-based discrimination in the workplace, Title VII applies more broadly to various types of employers, whereas Title IX is limited to educational institutions receiving Federal funds. Ultimately, both laws aim to ensure equal employment opportunities and protect individuals from discrimination. When a District Compliance Officer receives a complaint or notification of alleged misconduct involving sex discrimination (in particular, sexual harassment) that involves an employee complainant and an employee respondent, the District Compliance Officer should consult with the Title IX Coordinator and/or the Board's Legal Counsel concerning which law – it may be both – the District will need to comply with when investigating the allegations.]~~

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy ~~( )~~ and AG 1422 ~~[END OF OPTION]~~.

Complaints:

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

A. A "complainant," which includes:

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

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

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

C. District Compliance Officer.

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

~~**[DRAFTING NOTE: This paragraph emphasizes that in order for a person to file a complaint of unlawful harassment, the person has to have been subjected to the alleged misconduct directly or be a person who has a legal right to act on behalf of the person who was subjected to the alleged misconduct. This is consistent with the prior paragraph where the complainant is identified as an employee who was "subjected to conduct that could constitute Prohibited Conduct." The following paragraph, on the other hand, expands who can file a complaint – when the alleged Prohibited Conduct does not involve unlawful harassment, or the complaint involves allegations of retaliation – to persons who are aware of the alleged Prohibited Conduct, even if that person was not directly affected by or subject to the alleged Prohibited Conduct.]**~~

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

A. any employee of the District; or

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

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

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

Basic Requirements:

The District will treat complainants and respondents equitably.

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

~~**[ ]**~~ The CO may serve simultaneously as an investigator and/or a decisionmaker. ~~**[END OF OPTION] [DRAFTING NOTE: Neola recommends the Board select this OPTION; note it is "may" (i.e., optional) so the CO can decide when to serve in both roles and when to designate one or more persons to perform these responsibilities in a given case.]**~~

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

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

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

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

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within ten (10) ~~**[INSERT # OF DAYS]**~~ days of receiving the complaint. ~~**[DRAFTING NOTE: Neola recommends that the evaluation stage be completed within ten (10) days of the CO receiving notice of the**~~

~~complaint.]~~

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within ____twenty (20) ~~[INSERT # OF DAYS]~~ days of the CO determining the charges require investigation. ~~[DRAFTING NOTE: Recognizing that it is important for investigations to be completed and Determinations issued in a prompt and equitable manner, Neola recommends that a school district typically complete an investigation and issue a Determination within twenty (20) days.]~~

~~[DRAFTING NOTE: If the investigator/decisionmaker is someone other than the CO, upon written request from the investigator/decisionmaker, the CO should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. If the CO is the investigator/decisionmaker: upon written request from the CO, the Superintendent should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. In either situation, the administrator granting the extension should communicate to the parties the new deadline along with a rationale for the extension.]~~ If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties ~~( )~~ and the Superintendent ~~[END OF OPTION]~~ and will thereafter keep the parties ~~( )~~ and the Superintendent ~~[END OF OPTION]~~ informed of the status of the matter on a _____regular ~~[INSERT TIME PERIOD – E.G., BIWEEKLY OR REGULAR]~~ basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint ~~( )~~, or the Determination, ~~[END OF OPTION]~~ must do so within ___five (5) ~~[INSERT # OF DAYS]~~ days of receiving the Dismissal ~~( )~~ or Determination ~~[END OF OPTION]~~.

~~[DRAFTING NOTE: Neola recommends the Board allow limited appeals based on the Determination. See DRAFTING NOTE below in the Appeal section.]~~

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

The District will take reasonable steps to protect the privacy of the parties and witnesses. ~~( )~~ These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. ~~[END OF OPTION]~~ The parties shall not engage in retaliation, including against witnesses.

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

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

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

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

Notice of Allegations:

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

A. the Board's grievance procedures ~~( )~~ and informal resolution process ~~[END OF OPTIONS]~~ associated with claims involving Prohibited Conduct; ~~[DRAFTING NOTE: Neola encourages the Board to include an informal resolution process.]~~

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

C. retaliation is prohibited.

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

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

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

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

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

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

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

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

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

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

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

If the dismissal is appealed, the CO will:

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

B. implement appeal procedures equally for the parties;

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

D. ensure that the appeal decisionmaker has been trained consistent with this Policy ~~( )~~ and AG 1422 ~~[END OF OPTION]~~;

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

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

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

A. offer supportive measures to the complainant as appropriate;

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

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

~~[DRAFTING NOTE: Neola encourages the Board to select the following option so the CO can choose, in appropriate circumstances, to offer the parties the opportunity to participate in an informal resolution process, or to honor the parties' request to use an informal resolution process, to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.]~~

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~~[ ] [OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]~~

Informal Resolution Process:

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

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~~[END OF OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]~~

Adding Allegations and/or Consolidating Complaints:

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

Investigation:

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

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

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

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

Determination of Whether Prohibited Conduct Occurred:

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

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred. ~~[DRAFTING NOTE: While a board of education could elect to use the "clear and convincing" evidence standard of proof, Neola does not recommend it. If a board does select the "clear and convincing" standard, it should use it in all other comparable proceedings. Neola expects it will be a rare situation when a board chooses to use a clear and convincing standard of proof.]~~

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination~~(-)~~, and the procedures and permissible bases for the complainant and respondent to appeal ~~[END OF OPTION]~~.

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

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

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

2. coordinate the imposition of any disciplinary sanctions on a respondent ~~( ), including notification to the complainant of any such disciplinary sanctions~~ **~~[END OF OPTION]~~**; and

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

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

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

~~[DRAFTING NOTE: If the CO dismisses a complaint in the Evaluation stage (i.e., prior to commencing an investigation), the complainant may appeal as set forth above. Neola also recommends that the Board include an appeal process related to the Determination.]~~

~~[ ] [OPTIONAL LANGUAGE – APPEAL OF DETERMINATIONS]~~

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within ____five (5) **~~[INSERT # OF DAYS]~~** days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

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

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

~~[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed. Change period at end of C. to a semi-colon if additional grounds are inserted by the Board.]~~

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

E. ~~( ) [OTHER]~~ _____.

~~[ ]~~ The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed. **~~[END OF OPTION]~~**

~~[DRAFTING NOTE: The following options are offered in case the Board wants the Superintendent to serve as the appeal decisionmaker or the Board wants to nominally be identified as the appeal decisionmaker but will be delegating the responsibility to a person who is properly trained. Neola does not recommend that the Board itself be named as the appeal decisionmaker because of the preference for the decisionmaker to be trained to render a decision. If the Board wants to serve as the appeal decisionmaker, it should discuss this issue with its Legal Counsel. Select OPTION 1 or OPTION 2 below.]~~

~~[ ] [OPTION 1]~~

The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained ~~( )~~, as set forth in AG 1422 **~~[END OF INTERNAL OPTION]~~**.

The CO has authority ~~( )~~, in consultation with ~~( )~~ and approval of **~~[END OF OPTION]~~** the Superintendent ~~or ( ) Board ( ) Board President (as appropriate)~~, **~~[END OF OPTION]~~** to secure an independent third party to serve as the appeal decisionmaker.

~~[ ] In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent third party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.~~ **~~[END OF INTERNAL OPTION]~~**

~~**[END OF OPTION 1]**~~

~~**[ ] [OPTION 2]**~~

~~The Superintendent shall serve as the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator/decisionmaker or informal resolution process facilitator) and is appropriately trained. If the Superintendent is not eligible to serve as the appeal decisionmaker, the CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained ( ), as set forth in AG 1422~~ ~~**[END OF INTERNAL OPTION]**~~.

~~**[END OF OPTION 2]**~~

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

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

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

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

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal ~~( )~~ or Determination ~~[END OF OPTION]~~

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have ____five (5) ~~**[INSERT # OF DAYS]**~~ days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ____ten (10) ~~**[INSERT # OF DAYS]**~~ days to issue a decision on the appeal.

~~**[DRAFTING NOTE: Neola suggests any appeals should be filed within five (5) days of the parties receiving written notice of the Determination. Neola further suggests that the timeline for the other party submitting a statement be equivalent to the timeframe in which an appeal has to be filed. Finally, Neola suggests the appeal decisionmaker have ten (10) days from receipt of the statements to issue a decision.]**~~

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

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

The appeal decisionmaker shall

~~**[DRAFTING NOTE: The Board must select either OPTION 1 or OPTION 2 unless the Board appointed an independent third party to serve as the Board's appeal decisionmaker, in which case the Board should select OPTION 3.]**~~

~~( ) [OPTION 1]~~

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

-

~~[END OF OPTION 1]~~

-

~~[OR]~~

~~( ) [OPTION 2]~~

-

~~notify the CO, in writing, of the result of the appeal and the rationale for the outcome. The CO will then simultaneously notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

-

~~[END OF OPTION 2]~~

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~~[OR]~~

~~( ) [OPTION 3 - APPOINTED THIRD PARTY AS APPEAL DECISIONMAKER]~~

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~~submit the appeal decision to the Board, who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

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~~[END OF OPTION 3]~~

The ~~( )~~ appeal decisionmaker's ~~( ) Board's~~ ~~[END OF OPTION]~~ decision shall be final.

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~~[END OF OPTIONAL LANGUAGE: APPEAL OF DETERMINATIONS]~~

Supportive Measures:

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

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

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

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

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

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

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

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

Disciplinary Sanctions and Remedies:

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

A. ~~( )~~ oral or written warning;

B. ~~( )~~ written reprimands;

C. ~~( )~~ required counseling;

D. ~~( )~~ required training or education;

E. ~~( )~~ demotion;

F. ~~( )~~ suspension with pay;

~~**[END OF OPTIONS]**~~

G. suspension without pay;

H. termination; and

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

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

~~**[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to establish timelines associated with imposition of discipline as a result of possible delays caused by the Board implementing the preceding grievance procedures; likewise, the Board may need to discuss with union representatives how implementation of the grievance procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]**~~

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

Retaliation

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

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

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

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

Privacy/Confidentiality

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

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

Sanctions and Monitoring

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

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

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution ~~( ) and the principles of academic freedom as set forth in the applicable collective bargaining agreement~~ **~~[END OF OPTION]~~**. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment ~~( ) and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers~~ **~~[END OF OPTION]~~**.

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. ~~( )~~ The training shall be provided promptly upon hiring or a change of position that alters their duties under this policy, and annually thereafter. ~~**[END OF OPTION]**~~ The training shall not rely on stereotypes involving Protected Classes.

~~[ ] Training materials will be made available for inspection upon request by members of the public.~~ ~~**[END OF OPTION]**~~

Recordkeeping (Including Retention of Investigatory Records and Materials)

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

~~[DRAFTING NOTE: For purposes of uniformity, Neola recommends that the Board use the same seven (7) year period for recordkeeping that is required by the 2020 Title IX regulations – see Board Policy 2266; if the Board selects a different timeframe for maintaining the below-specified records, it should verify the time period selected is consistent with and/or reflected in its record retention schedule – see AG 8310.]~~

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

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

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

C. all materials used to provide the training referenced above ~~( )~~ and in AG 1422 ~~[END OF OPTION]~~.

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

Outside Appointments, Dual Appointments, and Delegations

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

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

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

~~[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]~~

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~~[ ]~~ Discretion in Application

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

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

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

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~~[END OF OPTION]~~

~~Revised 5/20/14~~

~~Revised 3/11/19~~

Revised 8/26/14

Revised 12/17/18

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

R.C. 4112.01, 4112.02, 5923.05

Fourteenth Amendment, U.S. Constitution

20 U.S.C. 1092(F)(6)(A)(v), 20 U.S.C. 1232g

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 C.F.R. Part 1635

29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")

29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")

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

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

34 C.F.R. Part 110 (7/27/93)

38 U.S.C. Chapter 43, 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")

42 U.S.C. 1983

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

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act ("GINA")

42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

Book	Policy Manual
Section	Policies for the Board
Title	Copy of NONDISCRIMINATION ON THE BASIS OF SEX IN DISTRICT PROGRAMS OR ACTIVITIES
Code	po2266
Status	
Adopted	September 21, 2020
Last Revised	June 21, 2021

2266 - **NONDISCRIMINATION ON THE BASIS OF SEX IN DISTRICT PROGRAMS OR ACTIVITIES**

Introduction

The Board of Education of the Eastwood Local School District (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex ~~(including sexual orientation or gender identity),~~ in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

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

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

Coverage

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

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

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

Definitions

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

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one (1) or more of the following:

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

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

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

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

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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

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

4. *Criminal Sexual Contact (f.k.a. Fondling)* is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.~~*Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.~~
5. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

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

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

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

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

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

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

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

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

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

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

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

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

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

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

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

Education Program or Activity: "Education program or activity" refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

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

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

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

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

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

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

Title IX Coordinator(s)

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

Director of Student Services and Curriculum
419-833-6411
120 E. College Ave PO Box 837
Pemberville, Ohio 43450
mwagoner@eastwoodschools.org

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

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the Eastwood Local School District does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

Director of Student Services and Curriculum
419-833-6411
120 E. College Ave PO Box 837
Pemberville, Ohio 43450
mwagoner@eastwoodschools.org

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

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: www.eastwoodschools.org. The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

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

Grievance Process and Procedures

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

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

Report of Sexual Discrimination/Harassment

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

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

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

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

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

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

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

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

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures,

consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

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

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

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

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process and procedures with respect to that Formal Complaint.

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

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

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

Timeline

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

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

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

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

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

notice must:

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

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

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

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

Dismissal of a Formal Complaint

The District shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

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

B. did not occur in the District's education program or activity; or

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

If one (1) of the preceding circumstances exists, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

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

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

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

C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one (1) Complainant or more than one (1) Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

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

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

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

A. the allegations;

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

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

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

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

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

The informal resolution process is not available to resolve allegations that a Board employee, or another adult member of the School District community or Third Party, sexually harassed a student.

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

Investigation of a Formal Complaint of Sexual Harassment

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

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

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

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

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

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

B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

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

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

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

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the 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 the conclusion of the investigation.

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

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

Determination of Responsibility

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

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

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

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

The written determination will include the following content:

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

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

C. findings of fact supporting the determination;

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

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

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

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

A. Informal Discipline

1. writing assignments;
2. changing of seating or location:
3. pre-school, lunchtime, after-school detention;
4. in-school discipline;
5. Saturday school;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

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

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

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. demotion;

G. suspension with pay;

H. suspension without pay;

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

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

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

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

A. oral or written warning;

B. suspension or termination/cancellation of the Board's contract with the Third-Party vendor or contractor;

C. mandatory monitoring of the Third-Party while on school property and/or while working/interacting with students;

D. restriction/prohibition on the Third-Party's ability to be on school property; and

E. any combination of the same.

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

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

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

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

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

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

Appeal

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

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

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

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

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

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

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

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

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

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

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-makers(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent.

Retaliation

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

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

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

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

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any

investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom as set forth in the applicable collective bargaining agreement. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers.

Training

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

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

B. the scope of the District's education program or activity;

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

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

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

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

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

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

B. any appeal and the result therefrom

C. any informal resolution and the result therefrom, and

D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

Outside Appointments, Dual Appointments, and Delegations

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

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

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

Discretion in Application

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

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

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

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Legal

R.C. 3313.207/208/209, 5104

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

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

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

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

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

42 U.S.C. 1983

34 C.F.R. Part 106

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

Book	Policy Manual
Section	Policies for the Board
Title	Copy of ASSIGNMENT AND TRANSFER
Code	po3130
Status	
Adopted	February 22, 2010

3130 - **ASSIGNMENT AND TRANSFER**

The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent shall be responsible for the proper assignment and transfer of all teaching and other professional staff members and shall attempt to ~~effect the optimum assignment of the professional staff in conformance with any applicable contractual or legal requirements.~~affect the optimum assignment of professional staff to positions based on the best interest of students enrolled in the District. Consideration shall also be given to legal and contractual requirements. Seniority or continuing contract status may not be used as the primary factor in assigning, reassigning, or transferring teachers.

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Legal	R.C. 3319.01, 3319.12
	R.C. 3319.173

Book	Policy Manual
Section	Policies for the Board
Title	Copy of WITHDRAWAL FROM SCHOOL
Code	po5130
Status	
Adopted	February 22, 2010

5130 - **WITHDRAWAL FROM SCHOOL**

The Board of Education affirms that, while statute requires attendance of each student from six (6) years of age, or five (5) years of age if enrolled in kindergarten, and not formally withdrawn, until eighteen (18) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the District should be used to assist the student in reaching ~~his/her~~the student's career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and in compliance with State law.

Whenever a student under the age of eighteen (18), withdraws from school without moving out of State, transferring to another approved school, being granted an age and schooling certificate, or enrolling in and attending an approved program, the Superintendent shall notify ~~the Registrar of Motor Vehicles and~~ the Judge of the Juvenile Court.

Such notification is to be given, in writing, within two (2) weeks after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

The Superintendent shall ensure, through administrative guidelines, that proper procedures are established so that such notification complies with the provisions of R.C. 3321.13 (B)(1).

The Superintendent shall develop administrative guidelines for withdrawal from school which:

A. make counseling services available to any student who wishes to withdraw;

B. inform the student of alternative programs;

C. advise students of their right to return prior to their twenty-second (22nd) birthday;

D. assure the timely return of all District-owned supplies and equipment in the possession of the student.

In accordance with Policy 5610, the Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be imposed for the same duration it would have been had the student remained enrolled.

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Legal	R.C. 3313.66, 3321.13 A.C. 3301-41-01, 3301-43-01, 3301-35-03 (F)

Book	Policy Manual
Section	Policies for the Board
Title	Vol. 44, No. 1 - August 2025 Revised PERSONAL COMMUNICATION DEVICES
Code	po5136
Status	
Adopted	February 22, 2010
Last Revised	January 27, 2014

Revised Policy - Vol. 44, No. 1

5136 - **PERSONAL COMMUNICATION DEVICES**

The Board of Education is committed to providing educational environments that support students fully engaging with classmates, teachers, and instruction. Use ~~( ) or possession **[END OF OPTION]**~~ of personal communication devices ("PCD") (this term shall also include an "electronic communication device" as referenced in R.C. 3313.753) shall be prohibited during the instructional day ~~( ) and during school-related events and functions **[END OF OPTION]**~~ in accordance with this policy and the Student Code of Conduct.~~of personal communication devices ("PCDs") shall be limited during school hours and during school-related events and functions in accordance with this policy and the Student Code of Conduct.~~

The term Personal Communication Device ("PCD") is defined in Bylaw 0100 - Definitions.

Nothing in this policy prohibits a student from using a PCD in accordance with the student's individualized education plan ("IEP") or Section 504 plan. The Board shall also permit a student to use a PCD to monitor or address a health concern if the Board receives a written statement from the student's physician requiring such use. Additionally, students may use school phones to contact parents/guardians during the school day depending upon the exigencies of the situation, the location of the students, and the location of the PCD during an active threat or emergency in accordance with the protocol outlined in the Board-adopted emergency management plan.~~for student learning or to monitor or address a health concern, in accordance with the student's individualized education program or Section 504 plan.~~

~~**[DRAFTING NOTE: Choose optional exceptions below. It is important to include any use that the Board wants to approve. If the District differentiates PCD use exceptions by grade level, adjust/duplicate this section as needed.]**~~

Students are prohibited from using a PCD except:

A. ~~( ) when the teacher authorizes a student to use a PCD for educational purposes during instructional time;~~

B. ~~( )~~ when the Principal authorizes a student to use a PCD for educational purposes during instructional time;

C. ~~( ) during the student's lunch periodbreak;~~

D. ~~( ) between classes;~~

E. ~~( )~~ as authorized by a supervising adult during school-related events and functions (e.g., after-school activities, extracurricular activities); or

F. ~~( )~~ while riding in school vehicles. (Distracting behavior that creates an unsafe environment, failure to follow instructions of a bus driver, or any other violation of the Student Code of Conduct related to PCD use shall not be tolerated and may result in the loss of use of the PCD while in a school vehicle as well as discipline when appropriate.)

Students are prohibited from using PCDs in a manner that infringes on a person's reasonable expectation of privacy. This includes using PCDs in locations and circumstances where a student may be changing clothes or in any stage of undress, such as gymnasiums, locker rooms, shower facilities, and restrooms/bathrooms~~, ( ) and swimming pools [END OF OPTION]~~. The Superintendent and building principals are authorized to determine other specific locations and situations where the use of a PCD is absolutely prohibited.

Except as authorized by a teacher, administrator, IEP team, or Section 504 plan, students are prohibited from using PCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person during school hours ~~( )~~ on school property ~~( )~~ or during school-related events and functions ~~[END OF OPTIONS]~~. Using a PCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent during the instructional day, where there is a reasonable expectation of privacy, or as outlined above, is considered an invasion of privacy and is not permitted.

~~[ ]~~ Students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way audio communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or on the student's person without express written consent of the Superintendent. Any requests to place a recording device or other device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the _____ Principal ~~[e.g. Principal or Director of Pupil Services]~~. The District representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days. ~~[END OF OPTION]~~

Students may not use a PCD in any way that would constitute bullying or harassment or other violations of the Student Code of Conduct. ~~might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.~~ See Policy Board 5517.01 - Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, ~~(including sexual orientation/transgender identity),~~ disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails, or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students also are prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Students may not use PCDs to access and/or view Internet websites that otherwise are blocked to students while in school, on school property, or at a school-sponsored activity.

When the use of PCDs is prohibited, all PCDs must be powered off completely (i.e., not just placed in vibrate or silent mode) and stored out of sight.

When the use or possession of PCDs is permitted, all PCDs must be placed in silent mode unless otherwise required by an IEP or Section 504 plan to monitor/address a health concern, or as permitted by a principal or teacher for learning purposes. Students permitted to use a PCD for these limited reasons are expected to use the approved device only as authorized. PCDs must be stored out of sight when directed by the administrator, teacher, bus driver, adult supervising an extracurricular or school event, or sponsor. ~~and must be stored out of sight when directed by the administrator or sponsor.~~

Students shall have no expectation of confidentiality with respect to their use of PCDs while at school or on school property, including school buildings, other facilities, and school vehicles.

Possession of PCDs on Campus

~~[ ] Students are permitted to possess a PCD on their person as long as they remain stored out of sight and are not used except when permitted by this policy or the emergency management plan. [END OF OPTION]~~

~~[ ]~~ Students are permitted to possess a PCD while on campus, but must leave the device stored in a ~~( )~~ locker ~~( ) backpack ( ) purse [END OF OPTIONS]~~ and are not permitted to use the device except when permitted by this policy or the

emergency management plan. ~~[END OF OPTION] [DRAFTING NOTE: Districts have the option of permitting students to possess a phone while on campus, and should select the appropriate option. When drafting protocols in the emergency management plan, districts might want to specify that students may only use a PCD during an emergency if they can safely access it without violating any other emergency response protocols.]~~

~~[ ]~~ Possession of a PCD by a student during the instructional day, ~~school hours~~ and during school-related events and functions, is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege. ~~[END OF OPTION] [DRAFTING NOTE: This provision should be selected only if students are permitted to possess a cell phone during the instructional day or at school events.]~~

Violations of this policy may result in the following disciplinary measures:

A. ~~( )~~ Issue a verbal warning and require the student to store the PCD in accordance with this policy.

B. ~~( )~~ Confiscate the PCD and store it securely in a staff-controlled locker, bin, or drawer for the duration of the class or period.

C. ~~( )~~ Confiscate the student's PCD and store it in the facility's central office for the remainder of the school-related event or instructional ~~school~~ day.

D. ~~( )~~ Confiscate the student's PCD in the facility's central office to be picked up by the student's parent or guardian.

E. ~~( )~~ Schedule a conference with the student's parent or guardian to discuss the student's PCD use.

F. ~~( )~~ Loss of privilege to bring a PCD to school for a designated length of time or on a permanent basis (unless required for medical reasons or in accordance with an IEP or Section 504 plan).

G. ~~( )~~ In-school suspension.

H. ~~( )~~ Out-of-school suspension.

I. ~~( )~~ Expulsion.

J. ~~( )~~ _____. ~~[Other (insert as needed)]~~

If the violation involves an illegal activity (e.g. child pornography, sexting), the school official will also refer the matter to law enforcement or child services. The PCD will be confiscated and may be turned over to law enforcement if a violation involves potentially illegal activity.

School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Board Policy 5771 - Search and Seizure.

A person who discovers a student using a PCD, ~~( )~~, recording device, ~~( )~~ or other device with one- or two-way audio communication technology ~~[END OF OPTIONS] [DRAFTING NOTE: Select this option if previous option to prohibit "listen-in" devices was selected.]~~ in violation of this policy is required to report the violation to the Principal or Superintendent.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

~~[DRAFTING NOTE: The following provision is optional.THE FOLLOWING PROVISIONS ARE OPTIONAL]~~

~~[ ]~~ Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office ~~( ) or other designated communication tool or application.~~ ~~[END OF OPTION]~~

~~[ ] Students may use school phones to contact parents/guardians during the school day.~~

~~[END OF OPTIONAL PROVISIONS]~~

This policy shall be posted prominently on the District's website and in a central location in each school building and made publicly available upon request.

R.C. 3313.753
~~ODEW Ohio Cell Phones in Schools Model Policy~~
R.C. 5502.262

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Legal	R.C. 3313.753
	R.C. 5502.262
Cross References	po0100 - DEFINITIONS
	po5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR
	po5771 - SEARCH AND SEIZURE
	po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

Book	Policy Manual
Section	Policies for the Board
Title	Copy of ATTENDANCE
Code	po5200
Status	
Adopted	February 22, 2010
Last Revised	February 17, 2025

5200 - **ATTENDANCE**

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Absences for any reason, whether excused or unexcused, reduce instructional time and have an adverse impact on student learning. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session or during the attendance sessions to which a student has been assigned.

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

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. appointment with a health care provider

C. illness in the family necessitating the presence of the child

D. quarantine of the home

E. death in the family

F. necessary work at home due to absence or incapacity of parent(s)/guardian(s)

G. attendance at a driver's education course for up to two (2) hours on no more than four (4) days (limited to a total of eight (8) hours during the school year), provided that the absence does not occur during a core curriculum subject course

H. religious expression days, up to three (3) of which may, after approval by the principal in accordance with this policy, permit the student to be absent without any academic penalty

I. out-of-state travel (up to a maximum twenty-four (24) hours per school year that the student's school is open for instruction) to participate in a District-approved enrichment or extracurricular activity

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

If the student will be absent for twenty-four (24) or more consecutive hours that the student's school is open for instruction, a classroom teacher shall accompany the student during the travel period to provide the student with instructional assistance.

J. such good cause as may be acceptable to the Superintendent

K. service as a precinct officer at a primary, special or general election in accordance with the program set forth in Policy 5725

L. medically necessary leave for a pregnant student in accordance with Policy 5751

M. college visitation

The District requires verification of the date and time of the visitation by the college, university, or technical college.

N. absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status

O. absences due to a student being homeless

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 the student reports to such staff member the student is assigned for guidance at the place in which the student is conducting study and regularly demonstrates progress toward the objectives of the course of study.

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

At the discretion of the Superintendent, 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.)

Attendance shall be taken at the commencement of the school day in all buildings. Attendance for students arriving late or leaving early must be tracked and recorded.

Contacting the Parent/Guardian of an Absent Student

When a parent, guardian, or other person having care of a student has failed to initiate a telephone call or other communication notifying the school or building administration of the student's excused or unexcused absence within 120 minutes after the beginning of the school day, the attendance officer or designee for each school building shall make at least one (1) attempt to contact the parent, guardian, or other person having care of any student who is recorded as absent without legitimate excuse within 120 minutes after the beginning of each school day by a method designated by the Superintendent in accordance with Ohio law (see AG 5200).

~~**Excessive Absences**~~

~~When a student of compulsory school age is absent from school with combined nonmedical excused absences and unexcused absences in excess of thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year, that student is considered "excessively absent" from school. Religious expression days that have been approved by the Principal in accordance with this policy will not be considered for the purpose of determining whether a student is excessively absent. The District or school shall notify the child's parent or guardian of the child's absences, in writing, within seven (7) school days after the date of the absence that triggered the notice requirement. At the same time, written notice is given, any appropriate intervention action listed herein may be taken.~~

A student may have an excused absence for medical reasons, such as personal illness or medical visit, subject to the following rules. A student may have up to ten (10) medically excused absences without a doctor's note, but with a phone call from a parent/guardian. This policy will be extended beyond ten (10) days if the student or someone in the student's family is in quarantine due to a recognized pandemic/epidemic (e.g., COVID-19) or experiencing symptoms of the pandemic/epidemic. A medical excuse for personal illness will be accepted in the form of a doctor's note within five (5) school days of the absence or parent call-in on the day of the absence due to illness or doctor's visit.

~~The following "medical excuses" will not count toward a student's excessive absence hours: 1) personal illness; 2) illness in the family necessitating the presence of the child; 3) quarantine of the home; 4) health care provider appointments (doctor, dentist, mental health provider, etc.); 5) medically necessary leave for a pregnant student in accordance with Policy 5751; 6) death in the family; or 7) other set of circumstances the Superintendent deems on a case by case basis to be a good and sufficient cause for medical absence from school.~~

Attendance at a Driver's Education Course

The District will excuse a high school student from school to attend a driver's education course that is approved by the Director of Public Safety in accordance with Chapter 4508 of the Revised Code. The student may be absent for up to two (2) hours per day on no more than four (4) days during the school year (limited to a total of eight (8) hours), provided that the absence does not occur during a core curriculum subject course. ~~**( ) The Board deems all graded courses to be core curriculum including, but not limited to, courses that have State approved learning standards. END OF OPTION].**~~ Days missed do not need to be consecutive.

Students who miss school to attend a driver's education course are required to complete any missed classroom assignments.

Religious Expression Days

The Principal will approve up to three (3) religious expression days per school year after receiving a written request from the student's parent or guardian. Religious expression days may be used to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. Students who are absent on approved religious expression days will not face any academic penalties and will be provided with academic accommodations with regard to examinations and other academic requirements that are missed.

To receive accommodations for religious expression days, parents or guardians must submit written requests to the Principal within fourteen (14) days after the start of the school year or fourteen (14) days after a student is enrolled in the District. The requests must specify the religious expression day(s) to be approved. The Principal will approve the days without inquiring into the sincerity of a student's religious or spiritual belief system. However, the Principal may verify the authenticity of a request by contacting the parent or guardian to confirm they signed it. The Principal may deny the request for religious expression days if the parent or guardian indicates that the signature is not authentic. Once the days have been approved, the Principal will ensure that each teacher schedules a time and date for alternative examinations or other academic requirements that conflict with the student's absence. Students may participate in interscholastic athletics or other extracurricular activities on days in which the student is absent for religious expression.

The District has adopted the following procedure for a student, parent, or guardian to notify the District of any grievance with regard to the implementation of this policy. A grievance must be submitted in writing to the Superintendent. The Superintendent will review the grievance and issue a written determination of whether the policy has been violated. The decision of the Superintendent is final and not subject to further appeal.

The District will notify parents and guardians annually about this policy and the procedures that they must follow to request accommodations for religious expression days.

The policy will be placed in a prominent location on the District's website and will include the contact information for an individual who can provide further information about the policy. The District will also publish a non-exhaustive list of major religious holidays, festivals, and religious observations as published by the State Superintendent for which an absence will not be unreasonably withheld or denied The list will be provided whenever the policy is posted, printed, or distributed, and will be accompanied by a statement that declares the list is non-exhaustive and may not be used to deny accommodations to a student for a holiday, festival, or observation that is not included in the list. Nothing in this policy, and no inclusion or exclusion of a religious holiday or festival on the list posted by a District, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system.

Parent Notification of Excessive Absences

When a student of compulsory school age is absent from school in excess of ~~( )~~thirty-eight (38) or more hours~~ **[END OF OPTION]**~~, the District or school shall notify the child's parent or guardian of the child's absences, in writing. ~~**[DRAFTING NOTE: State law requires board policy to include procedures for notifying a student's parent, guardian, or custodian when the student has been absent from school for more than a designated number of hours. Districts must include a specific threshold, which cannot be greater than five percent (5%) of the state minimum number of hours required in the school year for the grade that the student attends.**~~ ~~( )~~Written notice will be sent within ~~seven (7) **[ENTER AMOUNT]**~~ school days after the date of the absence that triggered the notice requirement. ~~**[END OF OPTIONAL SENTENCE] [DRAFTING NOTE: Prior to passage of HB 96 (effective September 30, 2025), districts were required to notify parents/guardians within seven (7) days of being absent for the designated number of hours. The revised statute does not require a district to provide notice within a specified timeframe. However, districts may elect to specify a timeframe with this option.]**~~ At the same time written notice is given, any appropriate intervention strategy listed in this policy may be taken.

Habitually Truant

A student will be considered habitually truant if the student is of compulsory school age and absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school month, or for seventy-two (72) or more hours in one (1) school year.

Legitimate excuses for the absence of a student who is otherwise habitually 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.

The District's attendance officer shall file a complaint in the juvenile court against any student who is habitually truant unless the District or the student's school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school. If no determination of progress is made, or if the school determines that the student and the student's family have ceased to continue making progress in improving the student's attendance, the attendance officer shall proceed to file a complaint in juvenile court against the student. The complaint will allege that the child is unruly for being habitually truant, and the parent, guardian, or other person having care of the child has violated Revised Code 3321.38.

If a student who is habitually truant violates the order of a juvenile court regarding the student's prior adjudication as an unruly child for being a habitual truant, the student may further be adjudicated as a delinquent child.

~~**Absence Intervention Team**~~

~~To the extent required by law as determined on an annual basis, within ten (10) days of a student becoming habitually truant, the Principal shall assign the student to an absence intervention team.~~

~~Within fourteen (14) school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one (61) days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan. Within seven (7) school days after the development of the plan, reasonable efforts shall be made to provide the student's parent/guardian/custodian, with written notice of the plan.~~

~~Each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's building, another representative from the child's building who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.~~

~~The members of the absence intervention team shall be selected within seven (7) school days of the student meeting the habitually truant threshold. Within the same period of seven (7) school days, the Principal shall make at least three (3) meaningful, good faith attempts to secure the participation of the student's parent/guardian/custodian, guardian ad litem, or temporary custodian on that team. A good faith attempt to secure the participation of the parent shall include, but not be limited to, contacting (or attempting to contact) the parent by telephone, email, or regular mail. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the Principal shall inform the parent of the~~

~~parent's right to appear by designee. If seven (7) school days elapse and the student's parent/guardian/custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the attendance officer shall investigate whether the failure to respond triggers mandatory abuse or neglect reporting to the public children services agency. At the same time, the absence intervention team shall continue to develop an intervention plan for the child notwithstanding the absence of the child's parent/guardian/custodian, guardian ad litem, or temporary custodian.~~

Tiered System of More Intensive Interventions and Supports

The District implements a tiered system of interventions and supports for students to increase attendance. The system is designed to provide resources to students and their families to address the root cause of student absences. More intensive interventions and support are provided to students with greater numbers of absences.

Intervention Strategies

The term "chronically absent" means that a student has missed at least ten percent (10%) of the minimum number of hours required in the school year. In order to address the attendance practices of students and prevent students from becoming chronically absent, the District will implement one (1) or more of the following intervention strategies:~~In order to address the attendance practices of a student who is habitually truant, the intervention team may, as part of an intervention plan, take any of the following intervention actions:~~

A. provide counseling to the student

B. request or require the student's parent to attend a parental involvement program

C. request or require a parent to attend a truancy prevention mediation program

D. ~~notify the Registrar of Motor Vehicles of the student's absences~~

E. take appropriate legal action

~~In the event that a student becomes habitually truant within twenty-one (21) school days prior to the last day of instruction of a school year, the Principal may, in their discretion, assign one (1) school official to work with the child's parent/guardian/custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer.~~Students shall not be suspended, expelled, or otherwise prevented from attending school because of the student's absences.

~~The absence intervention process shall commence upon the first day of instruction of the next school year.~~

~~**Reporting Requirements**~~

~~The attendance officer shall file a complaint in the juvenile court against a student on the sixty first (61st) day after the implementation of an absence intervention plan or other intervention strategies, provided that all of the following apply:~~

A. ~~The student is habitually truant.~~

B. ~~The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication, if applicable.~~

C. ~~The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.~~

~~If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty (30) or more consecutive hours or forty-two (42) or more hours in one (1) school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan.~~

~~In the event that the sixty first (61st) day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, the absence intervention team may extend the implementation of the plan and delay the filing of the complaint for an additional thirty (30) days from the first day of instruction of the next school year.~~

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.

~~Whenever any student of compulsory school age has sixty (60) consecutive hours in a single month or a total of ninety (90) hours of unexcused absence from school during the school year, the student will be considered habitually absent under R.C. 3321.13(b)(2). The Board authorizes the Superintendent to inform the student and the student's parents, guardian, or custodian of the record of absence s without legitimate excuse 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 unexcused absences and habitually absent status.~~

~~If a student who is habitually truant violates the order of a juvenile court regarding the student's prior adjudication as an unruly child for being a habitual truant, the student may further be adjudicated as a delinquent child.~~

~~The District shall report to the Ohio Department of Education, as soon as practicable, and in a format and manner determined by the Department, any of the following occurrences:~~

A. ~~when a notice that a student has been absent with or without legitimate excuse for thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year is submitted to a parent/guardian/or custodian;~~

B. ~~when a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty (30) or more consecutive hours, forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in a school year;~~

C. ~~when a child of compulsory school age who has been adjudicated an unruly child for being a habitual truant violates the court order regarding that adjudication;~~

D. ~~when an absence intervention plan has been implemented for a child under this policy.~~

This policy was developed after consultation with the judge of the juvenile court of Wood County, with the parents, guardians, or other persons having care of the students attending school in the district, and with appropriate State and local agencies. The policy aligns with District and school improvement plans developed pursuant to State and Federal law.

Revised 6/27/11
Revised 5/16/16
Revised 6/29/17
Revised 12/18/17
Revised 1/7/20
Revised 10/19/20
Revised 12/20/21

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Legal

R.C. 2151.011, 3313.668, 3317.034, 3321.01 et seq., 3321.13(B)(2), 3321.19, 3321.191

R.C. 3321.22, 3321.38, 3323.041

A.C. 3301-35-03, 3301-47-01, 3301-69-02

Book	Policy Manual
Section	Policies for the Board
Title	Copy of RELEASED TIME FOR RELIGIOUS INSTRUCTION DURING THE SCHOOL DAY
Code	po5223
Status	
Adopted	February 22, 2010
Last Revised	June 26, 2025

5223 - **RELEASED TIME FOR RELIGIOUS INSTRUCTION DURING THE SCHOOL DAY**

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 shall be provided "released time" during the school day 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:~~sponsoring entity that is provided off of District property. Students will be excused and not considered absent from school during released time, provided that the following requirements are met:

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~~sole responsibility of the sponsoring entity, the parent, guardian, and/or student. The Board, 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.

The District shall collaborate with a sponsoring entity to identify a time for religious instruction to be offered during the school day~~ prior to establishing release time(s) for religious instruction~~.

At times identified by the District during the school day, released time for religious instruction will be permitted as follows:

A. For elementary and middle schools students, ____one (__1) ~~**[ENTER AMOUNT]**~~ period(s) per week.

B. For high school students, the equivalent time to attend ____one (__1) ~~**[ENTER AMOUNT]**~~ unit(s) of high school credit per week.

~~**[DRAFTING NOTE: Note that for elementary and middle school students, released time must minimally be at least one (1) period per week but may not exceed two (2) periods per week, whereas for high school students, the legislature provided a minimum amount of time equal to a student attending one (1) unit of high school credit per week, but a maximum amount of time equal to attending two (2) units of high school credit per week.]**~~

Students shall not be excused from a core curriculum subject course to attend released time instruction.

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.

Revised 2/16/15
Revised 5/16/16

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Legal	R.C. 3313.6022
	Attorney General's Opinion 88-001

Book	Policy Manual
Section	Policies for the Board
Title	Copy of PROMOTION, ACADEMIC ACCELERATION, PLACEMENT, AND RETENTION
Code	po5410
Status	
Adopted	December 17, 2012

5410 - **PROMOTION, ACADEMIC ACCELERATION, PLACEMENT, AND RETENTION**

The Board of Education recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It is the Board's intent that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with ~~his/her~~the student's own development.

Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

The promotion and retention provisions of this policy shall be in compliance with the terms of Ohio's Third Grade Reading Guarantee (Policy 2623.02).

Promotion:

A student will be promoted to the succeeding grade level when ~~s/he~~the student has:

A. completed the course and State-mandated requirements at the presently assigned grade;

B. achieved the instructional objectives set for the present grade;

C. demonstrated sufficient proficiency to permit ~~him/her~~the student to move ahead in the educational program of the next grade;

D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

Academic Acceleration:

Academic acceleration may involve whole-grade acceleration or individual subject acceleration. Academic acceleration occurs when a student is not only doing the caliber of work necessary to be promoted to the next grade or enrolled in the next course in the academic sequence, but also demonstrates the ability to do the caliber of work required of students in that next grade level/subject/course. An acceleration evaluation committee will determine whether the student will be permitted to skip a grade level (i.e., whole-grade acceleration), or take a subject at a higher grade level or skip a course in the usual and customary academic sequence (i.e., individual subject acceleration).

Any student residing in the District may be referred by a staff member or a parent/guardian to the ~~principal of his/her~~Principal of the school for evaluation for possible accelerated placement. Students may refer themselves or a peer through a staff member who has knowledge of the referred child's abilities. Copies of referral forms for evaluation for whole-grade or individual subject acceleration will be available at each school building.

Students referred for accelerated placement will be evaluated in a prompt manner. The ~~building principal~~Principal will schedule the evaluations. Normally, changes in a student's schedule will occur only at the start of a grading period.

Before a student is evaluated for accelerated placement, the ~~principal (or his/her designee)~~Principal shall obtain written permission from the student's parent/guardian.

Evaluations related to referrals that occur during the school year will ordinarily be completed and a written report issued within forty- five (45) calendar days. Evaluations related to referrals that occur at the end of a school year or during the summer will be completed and a written report issued either before the end of the school year, if possible, or within forty-five (45) calendar days of the start of the next school year.

Upon referral, the student's principal (or ~~his/her~~ designee) shall convene an acceleration evaluation committee to determine the appropriate learning environment for the referred student. This committee shall include the following:

A. a parent/guardian, or a representative designated by that parent/guardian

B. a gifted education coordinator or gifted intervention specialist, or if neither is available, a school psychologist or guidance counselor with expertise in the appropriate use of academic acceleration may be substituted

C. a principal or assistant principal from the child's current school

D. a current teacher of the referred student

E. a teacher at the grade level or course to which the referred student may be accelerated

The acceleration evaluation committee shall be responsible for conducting a fair and thorough evaluation of the student. The acceleration evaluation committee will consider the student's own thoughts on possible accelerated placement in its deliberations. In the event that career-technical programs are considered for acceleration, a career-technical educator shall be consulted as a part of the evaluation.

Students considered for whole-grade acceleration will be evaluated using an acceleration assessment process approved by the Ohio Department of Education and Workforce ("DEW").

Students considered for individual subject acceleration will be evaluated using a variety of data sources, including measures of achievement based on State academic content standards (in subjects for which the State Board of Education has approved content standards) and consideration of the student's maturity and desire for accelerated placement.

The acceleration evaluation committee shall issue a written decision on the outcome of the evaluation process to the principal and the student's parent/guardian. This notification shall include instructions for appealing the decision.

Appeals must be made in writing to the Superintendent within thirty (30) calendar days of the parent/guardian receiving the committee's decision. The Superintendent ~~or his/her designee~~ shall review the appeal and notify the parent/guardian of ~~his/her~~the decision within thirty (30) calendar days of receiving the appeal. The Superintendent's ~~or his/her designee's~~ decision shall be final.

If the student is recommended for whole-grade or individual subject acceleration, the acceleration evaluation committee will develop a written acceleration plan. The parent/guardian shall be provided with a copy of the plan. The plan shall specify:

A. placement of the student in an accelerated setting;

B. strategies to support a successful transition to the accelerated setting;

C. requirements and procedures for earning high school credit prior to entering high school (if applicable); and,

D. an appropriate transition period for accelerated students.

A school staff member will be assigned to oversee implementation of the acceleration plan and to monitor the adjustment of the student to the accelerated setting.

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

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 evaluation committee to consider other accelerative options and to issue a decision within thirty (30) calendar days of receiving the request. If the student will be placed in a different accelerated setting from that initially recommended, the student's acceleration plan shall be revised accordingly, and a new transition period shall be specified.

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

Retention:

A student may be retained at ~~his/her~~the student's current grade level when ~~s/he~~the student has:

A. failed to demonstrate proficiency in mathematics and reading and/or the core subjects of science and social studies;

B. failed to achieve the instructional objectives set forth at the current grade level that are requisite for success at the succeeding grade level;

C. scored below proficient level on any State-mandated test.

A student may be placed at the next grade level when retention would no longer benefit the student.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students that:

A. require the recommendation of the relevant staff members for promotion, placement, or retention;

B. require that parents are informed in advance of the possibility of retention of a student at a grade level;

C. assure that efforts will be made to remediate the student's difficulties before ~~s/he~~the student is retained;

D. assign to the principal the responsibility for determining the promotion, placement, or retention of each student;

E. provide parents the opportunity to request the promotion, placement, or retention of their child;

F. provide parents the opportunity to appeal the decision about their child's promotion, placement, or retention.

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Legal R.C. 3313.608, 3313.608(D), 3313.609, 3313.647, 3324.10
A.C. 3301-35-02(B)(5)

Book	Policy Manual
Section	Policies for the Board
Title	Vol. 44, No. 1 - August 2025 New ACCEPTANCE OF PAYMENT BY CREDIT CARD
Code	po6109
Status	

New Policy - Vol. 44, No. 1

6109 - **ACCEPTANCE OF PAYMENT BY CREDIT CARD**

The Board authorizes the acceptance of credit cards for the payment of ~~invoices~~cafeteria charges and/or student fees ~~( )~~ ~~that do not exceed _____~~ ~~**[INSERT AMOUNT]** in total value~~. ~~**[DRAFTING NOTE: The Board may wish to limit the amount that may be paid by credit card.]**~~ The Board authorizes the Treasurer/CFO to manage credit card transactions pursuant to applicable State and Federal laws and regulations, and the regulations of the payment card industry ("PCI").

For purposes of this policy, the term credit card includes branded debit cards (having credit card logo and not requiring pin input) unless otherwise indicated. ~~[ ]~~Visa, ~~[ ]~~MasterCard, ~~[ ]~~Discover and ~~[ ]~~American Express ~~**[END OF OPTIONS]**~~ cards will be accepted for payments. ~~**[DRAFTING NOTE: The Board may elect to accept some or all of these credit card brands. The Treasurer should inquire about any service and processing fees before selecting a particular card.]**~~

All fees and charges associated with credit card payments are the responsibility of the payer. Fees will be added to the total cost of the invoice amount.

Compliance with PCI DSS

Credit card data is high-risk confidential information that is protected by State and Federal law and the Board has a legal obligation to protect it. Credit card associations require all merchants to follow protocols entitled Payment Card Industry Data Security Standards ("PCI DSS"). The PCI DSS includes a comprehensive set of international security requirements to help protect cardholder data and prevent fraud and identity theft. Credit card companies require that all merchants comply with PCI DSS before accepting credit cards and must also certify their compliance annually.

All acquirers and card issuers must comply, and must also ensure the compliance of their merchants and service providers who store, process, or transmit customer data.

In order to ensure compliance, the Board is required to:

A. Build and maintain a secure network, which includes installation and maintenance of firewall configurations to protect cardholder data.

B. Not use vendor-supplied defaults for system passwords and other security parameters.

C. Protect cardholder data.

1. The card verification code or value (three (3) digit or four (4) digit printed on the front or back of the credit card) is not to be stored under any circumstances.

2. The personal identification number ("PIN") or the encrypted PIN block is not to be stored under any circumstances.

3. All primary account numbers ("PANs") should be masked. Viewing will be limited to employees and other parties with a legitimate need to know.

D. Encrypt transmission of cardholder data across open, public networks.

E. Maintain a vulnerability management program, which includes protection against malware and the use of antivirus software that is routinely updated.

F. Develop and maintain secure systems and applications.

G. Implement strong access control measures.

H. Identify and authenticate access to system components.

I. Restrict physical access to cardholder data internally and externally. All paper and electronic records must be stored in secure locations.

J. Track and monitor all access to network resources and cardholder data.

K. Regularly test security systems and processes.

L. Maintain an Information Security Policy – maintain a policy that addresses information security. The policy outlines the Board's incident response plan.

The Treasurer/CFO shall perform periodic audits and advise the Board of the results of such audits and evaluations and of any related action necessary to maintain compliance.

The Treasurer/CFO shall also be responsible for filing annual compliance certificates as required.

Breach of Data

Upon discovering that any Board system has been subject to a breach which compromises personal information, including an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one (1) or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable:

A. Social security number;

B. Driver's license number or State identification card number;

C. Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

All employees are required to immediately notify the Treasurer/CFO upon discovering that any system containing personal information has been breached. Failure to do so may result in discipline, up to and including termination.

Following the discovery or notification that a system containing personal information has been compromised, the Treasurer/CFO or designee shall promptly send written or electronic notice to any resident of Ohio whose personal information was or may have been exposed if the access and acquisition by an unauthorized individual or entity causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident. Notice must be sent no later than forty-five (45) days after discovering the breach, unless such notice interferes with law enforcement activities. The notice will inform the individual of the data that may have been accessed and acquired, as well as what steps have been taken to restore the system's integrity.

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Legal R.C. 1349.19

Book	Policy Manual
Section	Policies for the Board
Title	Copy of STUDENT FEES, FINES, AND CHARGES
Code	po6152
Status	
Adopted	February 22, 2010
Last Revised	October 19, 2020

6152 - **STUDENT FEES, FINES, AND CHARGES**

The Board of Education will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge for its students. The Board may charge fees for any additional materials used in the course of instruction. The Board may furnish these additional materials free of charge to students determined to have a serious financial need. Any waiver of fees shall be made pursuant to Policy 6152.01.

The Board will not charge a fee to a student who is eligible for a free lunch under the National School Lunch Act and the Child Nutrition Act of 1966 for any materials needed to enable the student to participate in a course of instruction. However, the Board may nonetheless charge a fee for materials needed for a student to participate in an extracurricular activities student enrichment program or tools, equipment, and materials that are necessary for workforce-readiness career-technical education training program that may be retained by the students after completion of the course.

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

Fees

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

A. "School fees" include, but are not limited to, the following:

1. all charges for required workbooks and instructional materials
2. all charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment)
3. charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extra-curricular activity
4. charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs
5. charges to participate in extra-curricular activities
6. charges for supplies required for a particular class or for gym uniforms

B. "School fees" do not include:

1. library fines and other charges made for the loss, misuse, or destruction of school property;

2. charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items;

3. charges for optional travel undertaken by a school club or group of students outside of school hours;

4. charges for admission to school dances, athletic events, or other social events;

5. optional community service programs for which fees are charged (e.g., preschool before and after-school child care, recreation programs).

C. Extracurricular Participation Fees

1. Extracurricular participation fees are used to supplement extra costs associated with extracurricular activities and are set annually by the Board of Education. Extracurricular fees must be paid according to timelines established by the building administrators for students to participate in extracurricular activities. Failure to pay will result in the denial of participation until such time as the fees have been paid.

2. Extracurricular fees must be paid after student fees, fines and charges are paid.

3. Beginning with the 2014-15 school year, the district will not accept payment for extracurricular fees until all school fees, fines, and charges have been paid. Current school year fees must be paid by the beginning of the winter sport's season or students will not be able to participate in extracurricular activities. Beginning with the 2015-16 school year, any fees, fines, or charges carried over from a previous school year must be paid before students can participate in fall extracurricular activities.

4. If families are in a financial hardship, a payment plan will be set up. The district will require a ten percent (10%) down payment with the balance being paid over a five (5) month period. Parents will work with individual building administrators to set up payment plans, and those plans will be administered at the building level.

5. In the event that a payment schedule is not followed, no extracurricular fees will be accepted until all school fees, fines and charges have been paid in full. Students will be allowed to complete the current season.

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

Fines

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

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

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

Except in cases of extenuating circumstances, i.e., the inability to access the secure place in the building, public monies should not be taken to a person's place of residence.

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

3313.672, or a juvenile judge's order under R.C. 2151.272. The Superintendent may request a copy of any order regarding a child's custody or placement issued pursuant to a complaint filed under R.C. 2151.27. The Board, however, will not withhold records required to be transferred pursuant to this paragraph pending receipt of a copy of the order.

For convenience to families, the Board of Education may enter into an agreement with one (1) or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed. (See Policy 6109 - Acceptance of Payment by Credit Card)

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

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

Revised 1/27/14
Revised 8/26/14

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Legal	R.C. 2151.272, 3313.642, 9.38
	National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)
	Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771

Book	Policy Manual
Section	Policies for the Board
Title	Copy of AUDIT
Code	po6830
Status	
Adopted	February 22, 2010

6830 - **AUDIT**

The Board of Education requires, after the close of the fiscal year (June 30th), that an audit of all accounts of the District be made annually by an independent, certified public accountant or the State Auditor's Office. The audit examination shall be conducted in accordance with generally-accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

The Treasurer shall also prepare and publish an audited statement of the financial condition of the District at the close of each fiscal year, on or before January 1st of the next succeeding fiscal year.

Findings for recovery should be reported to the Superintendent, Treasurer, Audit Committee, and Board. It is the Board's preference that an employee not be named in a finding for recovery unless such employee directly performed the action causing the finding and benefited personally from such action.

In the event an audit indicates a finding for recovery involving a shortage of funds, finding for recovery should be made against the employee who directly handled the cash, checks, money orders, or other form of payment.

In the event an audit indicates a finding for recovery related to the improper spending of District funds or the conversion of District funds or assets for personal use, the finding for recovery should be made directly against the employee who improperly spent the District funds or converted the District funds or assets for personal use. This provision includes, but is not limited to, employees that fail to be properly licensed and accept compensation in violation of State law, employees that accept compensation from falsified pay documents, and employees that accept compensation known to be in error and do not timely report for correction.

Any finding for recovery should be reported to and jointly made against the District's bonding company.

At the expiration of the term of the Treasurer/CFO or before the Board approves the surety of the Treasurer/CFO, the Board shall require the Treasurer/CFO to produce all money, bonds, or other securities of the Board, which shall then be counted by the Board or a committee of the Board. A certificate setting forth the exact amount of such money, bonds, or other securities and signed by the representatives making such count shall be entered into the records of the Board.

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Legal	R.C. 117.11, 117.115, 3313.27

Book	Policy Manual
Section	Policies for the Board
Title	Copy of Vol. 44, No. 1 - August 2025 Revised DIGITAL CONTENT AND ACCESSIBILITY
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Revised Policy - Vol. 44, No. 1

7540.02 - **DIGITAL CONTENT AND ACCESSIBILITY~~WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES~~**

A. **Creating Digital Content~~ for Web Pages/Sites, Apps, and Services~~**

The Board of Education authorizes staff members ~~(~~ and students ~~[END OF OPTION]~~ to create content for the District's website and District-approved/affiliated apps and services~~, apps, and services~~ (see Bylaw 0100 - Definitions) ("digital content")~~that are hosted by the Board on its servers or District-affiliated servers (i.e., servers the Board pays to use or otherwise sanctions the use of) and/or published on the Internet~~.

District-generated and school-related digital content~~The content, apps, and services~~ must comply with State and Federal law (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the District, its employees, and students. District-generated digital content~~Content, apps, and services~~ must be consistent with the Board's Mission Statement and is~~, and staff-created content, apps, and services are~~ subject to prior review and approval of the Superintendent before being published on the District's website or District-approved/affiliated apps and services~~Internet and/or used with students~~.

~~[NOTE: CHOOSE ONE (1), BOTH, OR NONE OF THE FOLLOWING OPTIONS.]~~

~~[ ]~~ School-related student-created content for the Board's website or District-approved/affiliated apps and service are subject to Policy 5722 - School-Sponsored Publications and Productions~~Student-created content, apps, and services are subject to Policy 5722 - School-Sponsored Publications and Productions~~.

~~[ ]~~ Creation of school-related content by students for the Board's website or District-approved/affiliated apps and services must be done under the supervision of a District staff member~~The creation of content, apps, and services by students must be done under the supervision of a professional staff member~~.

~~[END OF OPTIONS]~~

B. **Purpose of Digital Content~~ of District Web Pages/Sites, Apps, and Services~~**

The purpose of digital content~~, apps, and services~~ covered by this policy is to educate, inform, and communicate. The following criteria shall ~~be used to~~ guide the development of District-generated digital content~~such content, apps, and services~~:

1. **Educate**

   Digital content~~Content~~ should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. **Inform**

   Digital content~~Content~~ may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

   Digital content~~Content~~ may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be interested in and/or affected by District matters.

The information published on the Board's website and District-approved/affiliated apps/services~~contained on the Board's website(s)~~ should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the digital content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances is District-generated digital content~~are District-created content, apps, and services~~ to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no digital content published~~content contained~~ on the District's website may: (1) include statements or other items that support or oppose a candidate for public office; the investigation, prosecution, or recall of a public official; or passage of a tax levy or bond issue; (2) link to a website of another organization if the other website includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

~~**[ ]**~~ Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-District-approved/affiliated apps/services)~~is staff member-created content, apps, and services, including personal web pages/websites, to be used to post~~ student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board's website or District-approved/affiliated apps/services~~Board-specified website, app, or service~~ (e.g., ~~**/PowerSchool/Infinite Campus**~~ Progressbook) for the purpose of conveying information to students and/or parents. ~~**[END OF OPTION]**~~

~~**[ ]**~~ Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites and/or private digital accounts (i.e., non-District-approved/affiliated apps/services) (including, but not limited to, the staff member's personal accounts on Facebook, Instagram, Pinterest, YouTube Channel(s), or TikTok site(s)) ~~(including, but not limited to, their Facebook, Instagram, Pinterest pages, YouTube Channel(s), or TikTok sites)~~ to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments. ~~**[END OF OPTION]**~~

~~**[ ]** If a staff member creates digital contentcontent, apps, and/or services related to the staff member's class, it must be hosted on the Board's website or a District-approved/affiliated app/serviceserver or a District-affiliated server.~~ ~~**[END OF OPTION]**~~

~~**[ ]**~~ The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identifiable information or information concerning coursework particular to a specific student's classess/assignments is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content~~Unless the content, apps, and services contain student personally identifiable information, Board-sponsored websites, apps, and services that are published on the Internet should not be password-protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and services.~~ ~~**[END OF OPTION]**~~

Digital content published on the Board's website~~Web content, apps, and services~~ should reflect an understanding that both internal and external audiences will be viewing the information.

~~The District's website(s) and web pages, apps, and services must be hosted on Board-owned or District-affiliated servers.~~

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to staff ~~( )~~ and students **~~[END OF OPTION]~~** who publish digital content on the Board's website and District-approved/affiliated apps/services~~the use of the Board's website and the creation of content, apps, and services by staff ( ) and students~~**~~[END OF OPTION]~~**.

The Board retains all proprietary rights related to the design of and content for its website(s) and any apps/services it operates and/or is affiliated with~~, apps, and services,~~ absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class~~a class, at school,~~ or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

C. **Accessibility of Web Content and Mobile Apps**~~**Website Accessibility**~~

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered in person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131, and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."

1. **Technical Standards**

   Web content and mobile apps that the District provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden~~The District will adhere to the technical standards of compliance identified at _____ [Insert link to the District's website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative – Accessible Rich Internet Applications Suite (WAI-ARIA 1.1) for web content ( ) _____ [insert another acceptable standard selected by the District – e.g., the Section 508 Information and Communication Technology Accessibility Standards published by the U.S. Access Board, which serves as the standards the Federal government uses for its own web sites] [END OF OPTION]~~.

   [DRAFTING NOTES:

   1. **Districts with a population of 50,000 or more residents must fully comply with WCAG 2.1, Level AA standards by April 24, 2026; Districts with fewer than 50,000 residents must fully comply with WCAG 2.1, Level AA standards by April 26, 2027.**

2. **While the Department of Justice's Final Rule allows public entities to employ alternative designs, methods, or techniques if they provide equivalent or greater accessibility and usability, Neola does not recommend that approach. If a board wants to consider an alternative technical standard, it should consult with its legal counsel.]~~[DRAFTING NOTE: While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies.]~~**

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

a. Archived web content (provided all four (4) Federal criteria are met).

b. Preexisting conventional electronic documents (with specific restrictions).

c. Third party content that is not created pursuant to a contract between the Board and a third party.

d. Password-protected documents pertaining to a specific student or account.

e. Preexisting social media posts.

Even when the preceding exceptions apply, the District, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing District programs, services, programs, and/or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access District-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the District will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within _____five (__5) ~~[INSERT TIMEFRAME]~~ business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; or (c) email or mail delivery of information typically accessed online.

2. **Digital~~Web~~ Accessibility Coordinator**

The Board designates its ~~( ) Section 504/ADA Compliance Coordinator(s) ( ) Technology Director ( )~~ _____Director of eLearning ~~[END OF OPTIONS]~~ as the District's Digital~~Web~~ Accessibility Coordinator~~(s)~~. ~~( )~~ That individual ~~( ) Those individuals ( )~~ is ~~( ) are [END OF OPTIONS]~~ responsible for coordinating and implementing this policy.

~~[ ] The Board commits to providing the DigitalWeb Accessibility Coordinator with sufficient resources and authority to coordinate and implement this policy and any corresponding guideline(s), subject to oversight by the Superintendent and the Board.~~

~~[SELECT OPTION #1 OR OPTION #2]~~

~~[ ] [OPTION #1]~~

~~See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator's(s') contact information.~~

~~[END OF OPTION #1]~~

~~[ ] [OPTION #2]~~

The District's Digital~~Web~~ Accessibility Coordinator(s) can be reached at:
_____ ~~[Insert name or title, address, e-mail, phone].~~

Director of eLearning
4800 Sugar Ridge Rd.
Pemberville, OH 43450
419-833-6411

~~**[END OF OPTION #2]**~~

3. **Third Party Content**

Links included on the Board's website and District-approved/affiliated mobile apps that pertain to its programs, activities, and/or services~~website(s), apps, and services that pertain to its programs, benefits, and/or services~~ must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, and COPPA). The District's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through District-approved/affiliated mobile apps that are related to the District's programs, activities, and/or services for compliance with this criteria for all new content published on the District's website and mobile apps after adoption of this policy.~~While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video sharing websites, and other sources of online/digital content) that is in an accessible format, it is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator(s) or designee(s) will vet online content available on its website, apps, and services that are related to the District's programs, benefits, and/or services for compliance with this criteria for all new content published on the District's website, apps, and services after adoption of this policy.~~

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the District staff or contractors, must be fully compliant.

Additionally, nothing herein~~Nothing in the preceding paragraph, however,~~ shall prevent the District from including links on its website(s) and apps/services to~~the Board's website(s), apps, and services to~~:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or

b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. **Regular Audits**

The District will, under the direction of the Digital~~Web~~ Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's digital content to ensure it meets the required technical standards~~online content and measure this content against the technical standards adopted above~~.

~~**[ ]** This audit will occur **( )** quarterly **( )** semi-annually **( )** at least annually **( )** with quarterly monitoring of high-priority content and newly published materials **[OR] ( )** annually **( )**, with quarterly monitoring of high-priority content and newly published materials **[END OF INTERNAL OPTIONS]**.no less than once every two (2) years **[END OF OPTION]**~~

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

~~**[ ] [OPTION 1]**~~

~~**[ ]** The audit must be documented **( )** and include compliance assessment reports, identified accessibility barriers, remediation plans with specific timelines, vendor compliance status, and user complaint tracking and resolution. **[END OF INTERNAL OPTION]**~~

~~**[END OF OPTION 1]**~~

~~**[ ] [OPTION 2]**~~

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

~~**[END OF OPTION 2]**~~

~~**[END OF OPTIONS]**~~~~If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period of time.~~

5. **Reporting Concerns or Possible Violations**

   If a person accessing the District's web content and/or District-approved/affiliated mobile apps~~website(s), apps, or services~~ (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital~~the District has violated the technical standards identified above in its online content, the user may contact a/the Web~~ Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

D. **Instructional Use of Apps/Services~~Apps and Services~~**

The Board authorizes the use of apps and services to supplement and enhance learning opportunities for students, either in the classroom or for extended learning outside the classroom.

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

~~**[ ] [OPTION 1]**~~

The Board requires the ~~**( )** Superintendent **( )** _____~~Director of eLearning ~~**[END OF OPTION]**~~ pre-approve each app/service~~app and/or service~~ that a teacher intends to use to supplement and enhance student learning. To be approved, the app/service~~app and/or service~~ must have a FERPA-compliant privacy policy, as well as comply with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards~~ and CIPA **( )** and Section 504 and the ADA **[END OF OPTION]**~~.

~~**[END OF OPTION 1]**~~

~~**[ ] [OPTION 2]**~~

~~A teacher who elects to supplement and enhance student learning through the use of apps/servicesapps and/or services is responsible for verifying/certifying to the **( )** Superintendent **( )** _____ **[END OF OPTION]** that the app/serviceapp and/or service has a FERPA-compliant privacy policy and it complies with all requirements of the COPPA, CIPA, and Section 54/ADA, including the WCAG 2.1, Level AA accessibility standards and CIPA **( )** and Section 504 and the ADA **[END OF OPTION]**.~~

~~**[END OF OPTION 2]**~~

~~**[END OF OPTIONS]**~~

The Board further requires ~~**( )** the use of a Board-issued e-mail address in the login process for District-approved/affiliated apps/services **( )** prior written parental permission for a student seventeen (17) years of age or younger to use the student's personal e-mail address in the login process for District-approved/affiliated apps/services **[END OF OPTION]**~~.

E. **Training**

The District will provide ~~**( )** annual **( )** periodic **[END OF OPTION]**~~ training for its employees who:

1. create web content, documents, or multimedia materials;
2. manage the Board's website and digital services;
3. select and contract with technology vendors; and
4. work on online communications. The training should cover:

~~**[CHOOSE OPTION 1 OR OPTION 2]**~~

~~**[ ] [OPTION 1]**~~

a. WCAG 2.1, Level AA guidelines and success criteria;

b. accessible document creation (PDFs, Word, PowerPoint);

c. alternative text requirements for images and media;

d. video captioning and audio description requirements;

e. accessible form and navigation design;

f. color contrast and visual design standards;

g. vendor accessibility evaluation criteria; and

h. the District's responsibilities under Title II of the ADA, including its grievance procedures.

~~**[END OF OPTION 1]**~~

~~**[ ] [OPTION 2]**~~

~~this Policy and responsibilities associated with the specified staff members' roles related to implementation of this policy and ensuring the District's digital content is appropriate and accessible.~~

~~**[END OF OPTION 2]**~~

~~**[END OF OPTIONS]**The District will provide **( )** annual **( )** periodic **[END OF OPTION]** training for its employees who are responsible for creating web content or distributing information online so that these employees are aware of this Policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of documents and multimedia content.~~

~~**[ ]** Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance~~an individual with sufficient knowledge, skill, and experience to understand and employ the technical standards set forth in Board policies and administrative guidelines.~~ ~~**[END OF OPTION]**~~

~~**[ ]** New employees in covered positions must complete accessibility training within _____ **[INSERT TIMEFRAME]** of hire. **[END OF OPTION]**~~

F. **One-Way Communication Using the District Website and/or District-Approved/Affiliated Apps/Services~~, Apps, and Services~~**

The Board approves the use of its website and District-approved/affiliated apps/services~~/web pages, apps, and services~~ to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the District's website and/or District-approved/affiliated apps/services~~District web pages/sites, apps, and services~~ to be one-way communication, public comments are not solicited or desired, and the website or app/service~~, app, or service~~ is to be considered a nonpublic forum.

If the District uses an app/service~~app and/or web service~~ that does not allow the District to block or deactivate public comments, the District's use of that app/service~~app and web service~~ is subject to Policy 7544 - Use of Social Media, unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records and AG 8310E - Record Retention and Disposal), but it will not review or consider those comments.

~~**[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such "hidden public comments" on social media. Unless dictated by State law, retention periods established by the District for such unsolicited communications should be limited.]**~~

R.C. 9.03
O.A.G. Opinion No. 2002-01
28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Effective 6/24/2024)
Revised 2/16/15
Revised 3/20/17
Revised 6/27/19
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Legal

R.C. 9.03

O.A.G. Opinion No. 2002-01

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities Effective 6/24/2024)

Book	Policy Manual
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Title	Vol. 44, No. 1 - August 2025 Revised CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN
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Revised Policy - Vol. 44, No. 1

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Board of Education shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The District's COOP shall be ~~( )~~ consistent with ~~( ) a component of [END OF OPTIONS]~~ the District's School Safety Emergency Management Plan (see Policy 8400 - School Safety). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event strengthens the District's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the District, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources~~The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions, with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to the recovery of operations and minimizing the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources~~.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the District's critical operational/business functions and the learning environment as quickly as possible after a crisis/emergency/disaster or threat event occurs. ~~( )~~ The COOP shall include strategies aimed at resuming instruction and crucial business functions within _____ five (__5) ~~[ENTER AMOUNT] ( )~~ school days ~~( ) hours [END OF INTERNAL OPTIONS] [DRAFTING NOTE: Select a time period in which to restart district essential operations – e.g., two (2) school days, five (5) business days, forty-eight (48) hours.]~~ of the disruption, along with procedures to implement secure remote work and instruction in a crisis/emergency/disaster, identify alternative sites and technology redundancy, and provide incident response integration with the District's cybersecurity incident management protocols. ~~[END OF OPTIONAL SENTENCE]~~

The District will use the following process to achieve essential function resilience (i.e., business and learning continuity):

A. identify essential functions;

B. determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);

C. conduct risk assessments for each planning factor; and

D. identify and implement continuity options.

Because the COOP contains sensitive information, by law, it ~~functions and the learning environment as quickly as possible after a crisis or threat event occurs. A COOP contains critical and sensitive information that~~ is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks,~~cyberattacks, and terrorist attacks and threats,~~ have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of crises/emergencies/disasters.~~emergencies.~~ Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall District~~( ) as well asand also for each school ( ) and department in the District~~ ~~**[END OF OPTIONS]**~~. **[DRAFTING NOTE: While the preceding optional language is true, they do not need to be included if a district wants to simply state that its COOP is important to the district as a whole. The following sentence, however, is not optional and emphasizes the necessity for individual schools and departments to have individualized continuity of operation plans in place to address their unique needs and circumstances.]** Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the District-wide COOP. The site/department-specific COOPs are subject to annual submission to and review by the Superintendent.

The District-wide plan describes how the District will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and department plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event.~~contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.~~

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the District's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the District. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to District operations. The COOP outlines and coordinates all efforts by the District, in cooperation with other local and State agencies and businesses, to restore the essential functions of the District post-incident/event.~~post-disaster.~~

The Superintendent shall provide that all relevant staff receive~~( ) annual ( )~~ periodic ~~**[END OF OPTIONS]**~~ training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Board of Education review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws(i.e., O.R.C. 149.433), and accordingly, no copies shall be provided for public review.

The Superintendent shall conduct an annual review and update, as necessary, to the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety (which discusses the conduct of annual emergency management tests).~~The Superintendent shall conduct ( ) an annual ( ) a periodic **[END OF OPTION]** review of the COOP.~~

R.C. 9.65, 149.433
FEMA's Continuity Guidance Circular (2024 Update)
Guide for Developing High-Quality School Emergency Operation Plans
The Role of Districts in Developing High-Quality School Emergency Operation Plans: A Companion to the School Guide

Readiness and Emergency Management for Schools (REMS): Technical Assistance Center
Ohio School Safety Center (a division of the Ohio Department of Public Safety)
National Incident Management System (NIMS)

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R.C. 9.65, 149.433

FEMA's Continuity Guidance Circular (2024 Update)

Guide for Developing High-Quality School Emergency Operation Plans

The Role of Districts in Developing High-Quality School Emergency Operation Plans: A Companion to the School Guide

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National Incident Management System (NIMS)

Book	Policy Manual
Section	Policies for the Board
Title	Vol. 44, No. 1 - August 2025 Revised INFORMATION SECURITY
Code	po8305
Status	
Adopted	June 29, 2017
Last Revised	May 15, 2023

Revised Policy - Vol. 44, No. 1

8305 - **INFORMATION SECURITY**

The District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This data/information may be in hard copy or digital format and may be stored in the District or off-site with a third party provider.

Data/Information collected by the District shall be classified as Confidential, Controlled, or Published. The Superintendent shall define "Confidential," "Controlled," and "Published" in administrative guidelines and provide examples of data/information in each classification. Data/Information will be considered Controlled until identified otherwise.

Protecting District Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Information & Technology Resources (as defined in Bylaw 0100). If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee's immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.

Staff members and individuals associated with the District through their affiliation with a District contractor/vendor~~Individuals~~ who are granted access to data/information collected and retained by the District must follow established procedures so that the data/information is protected and preserved. Board members, administrators, and all District staff members~~ ( )~~, as well as contractors, vendors, and their employees, ~~**[END OF OPTION]**~~ granted access to data/information retained by the District are required to certify annually that they shall comply with the established information security protocols pertaining to District data/information. Further, all persons granted access by the District~~individuals granted access~~ to Confidential Data/Information retained by the District must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. For staff members, completing~~Completing~~ the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Technology Resources on which it is stored. The Superintendent shall conduct an annual risk assessment related to the access and security of the District's Data/Information. Further, the District will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.

District information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), Children's Online Privacy Protection Act ("COPPA"), Ohio Revised Code § 3319.321, and Ohio Revised Code § 1347.12 regarding data breaches.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them or how they apply to them, the individual should contact the District's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the District's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the District shall notify affected individuals and/or government officials in accordance with State and Federal law. ~~Further, the Superintendent is charged with developing procedures that can be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally identifiable information occurs.~~

Cybersecurity incident" means any of the following:

A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;

B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;

C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services; or

D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:

    1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or

    2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

Cybersecurity Program

The District's cybersecurity program shall be designed to safeguard the District's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

A. Identify and address the critical functions and cybersecurity risks facing the District.

B. Identify the potential impacts of a cybersecurity breach.

C. Specify mechanisms to detect potential threats and cybersecurity events.

D. Specify procedures for the District to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.

E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident, and the maintenance of security after the incident.

F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each employee. **[DRAFTING NOTE: Annual cybersecurity training provided by the State, and training provided by the Ohio Persistent Cyber Improvement program of the Ohio Cyber Range Institute, will satisfy this requirement.]**

~~[ ]~~ It is the policy of the Board – if the District is experiencing a ransomware incident - not to pay or otherwise comply with a ransom demand unless the Board formally adopts a resolution to approve such a payment or compliance with the ransom demand. If that occurs, the resolution will specifically state why the payment or compliance with the ransom demand is in the District's best interest. ~~**[END OF OPTION]**~~

~~**[DRAFTING NOTE: The Board need not include this option in its policy, but action consistent with this statement is required by law.]**~~

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the District discovers the incident.

B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the District discovers the incident.

Any records, documents, or reports related to the District's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records under R.C. 149.43. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the District, including the vendor name, product name, project name, or project description, is a security record under R.C. 149.433.

All staff members ~~( ) and contractors~~ **[END OF OPTION]** with access to Controlled and/or Confidential Data/Information must complete ~~( ) annual~~ **[END OF OPTION]** training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols. ~~The Superintendent shall require staff members to participate in training related to the internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols.~~

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party contractors/vendors (e.g., technology providers) who access District Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the District shall ensure appropriate security safeguards for education records and include both of the following:

A. a restriction on unauthorized access by the technology provider's employees or contractors; and

B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. ~~[ ]~~ Contractors/Vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the District. ~~**[END OF OPTION]**~~ Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the District's Information & Technology Resources.

At least annually, the~~The~~ Superintendent shall conduct an~~**( ) an annual ( ) a periodic [END OF OPTION]**~~ assessment of risk related to the access to and security of the data/information collected and retained by the District.

R.C. 9.64, 1347.12, 3319.325, 3319.326

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Legal	R.C. 9.64, 1347.12, 3319.325, 3319.326

Book	Policy Manual
Section	Policies for the Board
Title	Copy of SCHOOL SAFETY
Code	po8400
Status	
Adopted	February 22, 2010
Last Revised	May 15, 2023

8400 - **SCHOOL SAFETY**

The Board of Education is committed to maintaining a safe and drug-free environment in all of the District's schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of School District personnel, law enforcement agencies, and families. The Board further believes that all school employees (including administrators, professional staff, and support staff) and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

Emergency Management Plan (EMP)

To that end, the Superintendent shall develop and adopt a comprehensive Emergency Management Plan ("EMP") for each building in the District. The EMP shall be submitted on standard forms developed and made available by the Ohio Department of Public Safety (ODPS). In developing the EMP for each building, the Superintendent shall involve community law enforcement and safety officials (including, but not limited to, law enforcement, fire, emergency medical personnel, mental health providers, local health departments, school safety and security contacts, and any local divisions having county-wide emergency management), parents/guardians of students who are assigned to the building, and teachers and nonteaching employees assigned to the building (hereinafter, collectively referred to as "stakeholders"). Each EMP shall contain the name, title (if applicable), contact information, and signature of each stakeholder (i.e., person involved in development of the EMP); the signature shall affirm the stakeholder was offered the opportunity to provide feedback (it does not mean or require that the stakeholder approve the EMP).

In developing the EMP, the Superintendent shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety. The Superintendent shall further propose operating changes to promote the prevention of potentially dangerous problems and circumstances. The Superintendent shall incorporate remediation strategies into the EMP for any building where documented safety problems have occurred.

The EMP for each school building shall include a protocol that addresses student use of cellular telephones during an active threat or emergency.

Each EMP will consist of six (6) parts:

A. The emergency operations plan shall consist of a single document to address all hazards that may negatively impact the school including, but not limited to, active shooter, hostage, bomb threat, act of terrorism, infectious diseases or pandemic, severe weather, bullying, threats of violence or threats to life, and any other natural, technological, or human-caused events that the Superintendent knew or should have reasonably known about that compromise the

health or safety of students, employees, administrators, or property. The document will include:

1. a hazard identification and risk analysis (i.e., a process to identify hazards and assess the vulnerability associated with each);

2. an all-hazards emergency operations plan organized around five (5) mission areas: prevention, protection, mitigation, response, and recovery;

   The plan shall be consistent with the National Incident Management System (NIMS) principles.

3. the access and functional needs of the students, teachers, and staff;

4. education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual;

5. procedures for notifying law enforcement, fire, EMS, emergency management, mental health providers, public health officials, and other outside experts who could assist in responding to and recovering from an emergency;

6. a threat assessment plan developed as prescribed by Ohio Revised Code Section 5502.263, including a protocol for school threat assessment teams established pursuant to Ohio Revised Code Section 3313.669;

   The plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan. The areas of improvement identified in the emergency management test and actual emergencies at the school buildings will be a source for lessons learned.

B. A floor plan unique to each floor of the building.

C. A site plan that includes all building property and surrounding property.

D. An emergency contact information sheet.

E. Stakeholder signatures.

F. Proof of completion of an approved threat assessment training program for each member of the building's threat assessment team.

The Superintendent shall submit an electronic copy of each building's EMP to the Director of Public Safety not less than once every three (3) years, whenever a major modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. The Superintendent shall also file a copy of the current, updated EMP with the following:

A. each law enforcement agency that has jurisdiction over the school building; and

B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the building is located.

The Superintendent will also file copies of updated EMPs with the Director of Public Safety and the above agencies within ten (10) calendar days after adoption of the revised EMPs.

The District's EMPs are security records and not public records. The Superintendent shall keep a copy of the District's EMPs in a secure location.

The Superintendent shall annually review the District's previously developed and adopted EMPs and certify that the plan, emergency contact information sheet, floor plan, and site plan are current and accurate. The certification shall be completed through the School Safety Plan Portal between January 1 and July 1 of each year.

The Superintendent shall prepare and conduct at least one (1) emergency management test each year during the three (3) year annual review cycle, in accordance with rules adopted pursuant to Ohio Revised Code Section 5502.262(F). The Emergency Management tests must meet the following requirements: 1) be a scheduled event at least two (2) of the years; one (1) actual emergency may be used during the three (3) year plan cycle if an after-action report is produced with the involvement of stakeholders (i.e., at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider and public health official); 2) the type of test shall be a tabletop, functional or full-scale, as defined in

O.A.C. 4501:5-1, and each type shall be used once every three (3) years; and 3) the test must include at least one (1) hazard from the hazard analysis identified in the emergency operations plan and at least one (1) functional content area. The test should include at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider and public health official.

Students may participate in the emergency management test at the discretion of the Principal. In deciding whether, and to what extent, to involve students in an emergency management test, the Superintendent and Principal should consider what benefit student inclusion in the emergency management test may have on the student population's preparation for an emergency and to enhance the safety of students in the building. The Principal should also consider age-appropriate participation, guidance, trauma-informed best practice, and training in preparation for students' participation in the test.

The Superintendent/designee shall submit an after-action report to the Department of Public Safety no later than thirty (30) days after the emergency management test documenting the following: 1) date/time/weather/length of exercise; 2) the type of discussion/operations based exercise; 3) the scenario utilized; 4) the hazard(s) utilized (including providing safety data sheets, as appropriate); 5) the functional content area(s) utilized; and 6) identification of at least three (3) strengths and at least three (3) improvement areas of the EMP discovered as a result of the emergency management test. The after-action report shall be submitted on standardized forms developed and made available by the Department of Public Safety.

The Superintendent shall grant access to each school building in the District to law enforcement personnel and any local fire department, emergency medical service organization, and/or county emergency management agency that has requested a copy of the EMP, to enable such personnel and entities to conduct training sessions for responding to threats and emergency events affecting the school building. Such access shall be provided outside of student instructional hours and the Superintendent shall be present in the building during the training sessions.

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent/legal guardian of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety. Any student that ~~enrolled in the school after the annual notification, and their parent/legal guardian, shall be notified upon enrollment.~~enrolls in the school after the annual notification, along with their parent/legal guardian, shall be provided with the requisite notification upon enrollment. Also, see Policy 8420 - Emergency Situations at Schools.

The District shall include the 988 Suicide and Crisis Lifeline telephone number on all of the following (if provided or used by the school):

A. Student identification cards;

B. Planners issued to students; and

C. Any electronic portal administered by the District or school that may be accessed by students.

Threat Assessment

Behavioral threat assessment is a fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations. The threat assessment process shall be embedded within a comprehensive multitiered system of supports (MTSS) that involves interdisciplinary, collaborative partnerships focusing on prevention. The District will use a behavioral threat assessment model, including threat assessment teams, to address in a proactive manner the prevention of targeted violence by identifying areas of concern, gathering information, assessing the likelihood of violence, initiating appropriate interventions and violence mitigation strategies and provide ongoing evaluation to increase positive outcomes for individuals and enhance overall school safety. The aim of the process is to emphasize the provision of interventions and supports, and not just punishment. Ultimately, the primary purpose of a threat assessment is to address concerning behavior (including prohibited behaviors), respond to concerning communications, and minimize the risk of targeted violence at school.

As dictated by the Safety and Violence Education Students (SAVE Students) Act, the District will use a multidisciplinary decision-making process to conduct threat assessments and develop and implement interventions for students whose behavior indicates they may pose a risk of harm to the school community and/or themselves (see Policy 5350 - Student Health, Well-Being, and Suicide Prevention). Specifically, the Board directs the Superintendent to create a threat assessment team for each school building in the District serving grades six (6) through twelve (12). Each team shall be multidisciplinary, when possible; the Principal will ordinarily serve as the team's leader and the team may include school administrators, mental health professionals (e.g., school psychologists, school counselors, social workers), school resource officers (where appropriate), and other relevant personnel (e.g., instructional staff). Each member of a threat assessment team is required to complete an approved threat assessment training program upon appointment and once every three (3) years thereafter. As noted above, the District shall include proof of completion of the approved training by each team member in the EMPs and annual certifications submitted to the Director of Public Safety. Per State law, threat assessment

team members are not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a team member's execution of duties related to school safety unless the team member's act or omission constitutes willful or wanton misconduct.

The Ohio School Safety Center (OSSC), which is part of the Ohio Department of Public Safety, has developed the Ohio School Behavioral Threat Assessment Model Policy and Protocol: A Guide for School Personnel and Law Enforcement. This protocol, or an alternative evidence-based behavioral threat assessment model, shall serve as the foundation of the District's efforts to identify students of concern so that their behaviors can be mitigated to the point that they no longer pose a threat.

The following individuals may be subject to a behavioral threat assessment:

A. Students: current, former, and prospective

B. Employees: current, former, and prospective

C. Parents/guardians of students/non-custodial parents or relatives

D. Persons who are (or have been) in a relationship with faculty, staff, or students

E. Contractors, vendors, or other visitors

F. Unaffiliated persons

Research shows that individuals who plan to commit violent acts against schools often share their plans with someone. Consequently, the District has registered with the SaferOH tip line operated by the Department of Public Safety to facilitate the receipt of anonymous reports of concerning behavior and/or communications.

The Superintendent shall comply with all reporting requirements set forth in R.C. 3313.669 related to the District's participation in the SaferOH tip line.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Team will meet when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of self-harm or violence to others. If an inquiry indicates that there is a risk of self-harm or violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat.

The Board authorizes the Superintendent to create guidelines for the purpose of:

A. identifying team participants by position and role;

B. requiring team participants to undergo appropriate training;

C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment, including the threshold for law enforcement;

D. establishing assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews;

E. stating when and how parents/guardians of the student making the threat shall be notified and involved;

F. designating the individuals (by position) who are responsible for gathering and investigating information;

G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation;

H. identifying risk management options (e.g., interventions and supports, and the imposition of disciplinary consequences, as appropriate) to enact once an assessment is complete, including creating an individualized

management plan to mitigate identified risks;

I. creating and promoting a safe school climate built on a culture of safety, respect, trust, and emotional support, and one that encourages communication and empowers students to share their concerns;

J. providing training for all stakeholders, including school personnel, students, parents, and law enforcement (as applicable).

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 - Student Records, and State and Federal law.

Safe and Drug-Free Schools

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing Safe and Drug-Free Schools):

A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

B. security procedures at school and while students are on the way to and from school;

C. prevention activities that are designed to maintain safe, disciplined, and drug-free environments;

D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:

1. allows a teacher to communicate effectively to all students in the class;

2. allows all students in the class the opportunity to learn;

3. has consequences that are fair and developmentally appropriate;

4. considers the student and the circumstances of the situation; and

5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education and Workforce will then use this data to determine whether or not a school is considered persistently dangerous as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall discuss this at the annual meeting for the purpose of reviewing the EMP so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall discuss the school's designation as a persistently dangerous school at the annual meeting for the purpose of reviewing the EMP so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

If a school in a neighboring district is identified as persistently dangerous and there is not another school in that district, the District will admit students from that school in accordance with Board Policy 5113.02.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

Revised 2/16/15
Revised 7/13/15
Revised 6/28/18
Revised 6/27/19
Revised 1/7/20

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Legal

A.C. 4501:5-1-01

R.C. 9.65, 149.433

R.C. 3313.669, 3313.6610, 3313.6611, 5502.262, 5502.263

Ohio Department of Public Safety - Model Threat Assessment Plan

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended

20 U.S.C. 6301 et seq.

Public Law 107-110

Ohio Department of Public Safety – Ohio School Behavioral Threat Assessment Model Plan: A Guide for School Personnel and Law Enforcement Officers

Book	Policy Manual
Section	Policies for the Board
Title	Copy of STUDENT ABUSE AND NEGLECT
Code	po8462
Status	
Adopted	February 22, 2010
Last Revised	May 15, 2023

8462 - **STUDENT ABUSE AND NEGLECT**

The Board of Education is concerned with the physical and mental well-being of the students of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with their position, knows or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or local law enforcement agency. Such reporting is required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

The Board official and employee making the report shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect and shall secure prompt medical attention to any such injuries reported.

Each Principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent. Board officials and employees must report suspected abuse to a public children's services or local law enforcement agency even when the suspected abuser is another official or employee.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6, and also will provide developmentally appropriate instruction in child sexual abuse prevention to all students in grades K-6. Instruction for students in grades seven (7) through twelve (12) will include developmentally appropriate instruction in sexual violence prevention education. The parents/guardians of students who receive instruction related to dating violence prevention and sexual violence prevention will be notified that it is required curriculum, that they may examine the instructional materials upon request, and that a student may be excused from the instruction at the parent's/guardian's written request.

In addition, the Superintendent shall provide a program of in-service education for all nurses, teachers, counselors, school psychologists, mental health providers, and administrators who work in the District's elementary, middle, and high schools and any other personnel that the Board determines appropriate. The in-service education program will include school safety, violence prevention including human trafficking content, youth suicide awareness and prevention, prevention of child abuse, child sexual abuse, substance abuse, promotion of positive youth development, and a review of Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior. ~~The program shall include training on child sexual abuse prevention presented by law enforcement officers or prosecutors who have experience in handling cases involving child sexual abuse or child sexual violence.~~

~~The Board shall adopt or adapt an evidence-based awareness and prevention curriculum approved by the Ohio Department of Education (ODE), or alternatively will utilize a suicide awareness and prevention curriculum that has been developed in consultation with public or private agencies/persons involved in youth suicide awareness and prevention and that has been approved by the ODE.~~The Board shall adopt or develop curriculum in consultation with public or private agencies or persons involved with youth suicide awareness and prevention and child sexual abuse prevention or child sexual violence prevention.

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

All newly-employed mental health providers, nurses, teachers, counselors, school psychologists, and administrators who work in the District's elementary, middle, and high schools shall complete at least four (4) hours of in-service training within two (2) years of the date of employment.

Additional training must occur every two (2) years thereafter for suicide awareness and prevention, and every five (5) years thereafter for school safety, violence prevention, prevention of child abuse, prevention of substance abuse and promotion of positive youth development.

The District shall be registered with the SaferOH tip line operated by the Department of Public Safety or shall enter into an agreement with an anonymous reporting program selected by the Board that meets the requirements set forth in law (R.C. 3313.6610).

The District shall submit data to the Ohio Department of Education ~~(ODE)~~ and Workforce ("DEW"), in a manner prescribed by the Department, and to the Department of Public Safety at the end of the first full school year of the District's participation in the anonymous reporting program, and at the end of each school year thereafter, disaggregated by the school.

The data shall be considered records and are not public records under R.C. 149.433.

The Superintendent will promote and inform students about the selected program and its reporting methods.

A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.

Revised 7/27/10
Revised 5/23/12
Revised 1/27/14
Revised 1/7/20
Revised 12/20/21

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Legal R.C. 149.433, 2151.421, 3313.60, 3313.6610, 3319.073, 3319.321

20 U.S.C. 1232g

Book	Policy Manual
Section	Policies for the Board
Title	Copy of TRANSPORTATION FOR NON-ROUTINE TRIPS
Code	po8640
Status	
Adopted	February 22, 2010
Last Revised	May 20, 2024

8640 - **TRANSPORTATION FOR NON-ROUTINE TRIPS**

The Board of Education shall use school buses and/or vehicles other than school buses (e.g., vans) for transportation of passengers for purposes other than regularly scheduled routes to and from school (e.g., on field trips and other District-sponsored trips).

The transportation for all field trips and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Board shall assume transportation costs for a certain number of approved field trips as specified in the Superintendent's administrative guidelines.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.

~~[ ]~~ Students may be permitted to eat and/or drink on the bus for non-routine trips during which the students on the bus are supervised by a chaperone(s).

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.

No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student's parent(s) provides written authorization and release from liability using Form 5515 F2 - Parental Authorization and Release From Liability Form and does not transport any other student.

The Superintendent shall prepare administrative guidelines consistent with this policy.

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Legal	A.C. 3301-83-16

R.C. 3327.08, 3327.13, 3327.14, 3327.013

Cross References

po8600 - TRANSPORTATION

po8600.04 - BUS DRIVER CERTIFICATION

po8650 - TRANSPORTATION BY VEHICLES OTHER THAN SCHOOL BUSES

po8660 - INCIDENTAL TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE