



**Delaware City Schools
Board of Education Meeting
Monday, July 13, 2026
Regular Meeting
Willis Education Center
6:00 PM**

MISSION STATEMENT

The Delaware City Schools will promote a culture of excellence that engages and empowers students and staff to embrace the challenges of our global society. We will build on our traditions, respect our diversity and partner for a strong community.

This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public comment during the meeting as indicated in agenda item, "Public Comment."

Page

1. Opening

1.1 Call to Order and Roll Call

_____ Mr. Backus (President)
_____ Mrs. Gasaway (Vice-President)
_____ Ms. Harris
_____ Mr. Wiener
_____ Mrs. Buckerfield

1.2 Salute the Flag

1.3 Adoption of Agenda

I recommend we adopt this agenda as presented.

Moved by _____ seconded by _____ to adopt this agenda as presented.

_____ Mr. Backus (President)
_____ Mrs. Gasaway (Vice-President)
_____ Ms. Harris
_____ Mr. Wiener
_____ Mrs. Buckerfield

1.4 Approve Minutes - [Exhibit 1.4](#)

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With your agenda you have received the minutes of the June 15, 2026 Board meeting as presented.

Moved by _____ seconded by _____ to approve the minutes of the June 15, 2026 Board meeting as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

1.5 Approve Minutes - [Exhibit 1.5](#)

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With your agenda you have received the minutes of the June 29, 2026 Special Board meeting as presented.

Moved by _____ seconded by _____ to approve the minutes of the June 29, 2026 Special Board meeting as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

1.6 Recognitions and Presentations

- A. Facilities overview presentation by SHP

2. Reports

2.1 Unions

- A. DCEA
- B. UE
- C. OAPSE

2.2 Superintendent

- A. Departmental Updates

2.3 Treasurer/CFO

2.4 Legislative Update

2.5 Board Comment

3. Public Comment

PUBLIC PARTICIPATION AT BOARD MEETINGS The Board of Education recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public who reside in the District and/or have a connection to the District (defined as: parent/guardian with a student in the District; student in the District; employee of the District; individual who owns a business in the District; and/or an elected/appointed public official whose jurisdiction includes the District), collectively “Stakeholders,” to express themselves on school matters of community interest. The Board offers public participation to members of the public who are Stakeholders in accordance with the procedures below. The Board applies these procedures to all speakers, and does not discriminate based on the identity of the speaker, content of the speech, or viewpoint of the speaker.

The Board is also committed to conducting its meetings in a productive and efficient manner that assures that the regular agenda of the Board is completed in a reasonable period of time, honors the voluntary nature of the Board's time and using that time efficiently, and allows for a fair and adequate opportunity for input to be considered. Consequently, public participation at Board meetings will be governed by the following principle:

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at every regular meeting of the Board and publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Any Stakeholder having a legitimate interest in the actions of the Board may participate during the designated public participation portion(s) of a meeting.
- C. Stakeholders must register their intention to participate in the public participation portion of the meeting upon their arrival at the meeting.
- D. Participants must first be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- E. Each statement made by a participant shall be limited to five (5) minutes duration, unless extended by the presiding officer.
- F. During the portion of the meeting designated for public participation, no participant may speak more than once on the same topic.
- G. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- H. The presiding officer may:
 - 1. interrupt, warn, or terminate a participant's session when they make comments that are repetitive and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by

the speaker or someone acting at the speaker's behest);

2. request any individual to leave the meeting when that person does not observe reasonable decorum or is disruptive to the conduct of the meeting;

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the conduct and/or orderly progress of the meeting;

4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;

5. waive these rules.

The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes in total, unless extended by a vote of the Board.

Legal R.C. 3313.20

Revised 11/15/2021

4. Consent Agenda

4.1 Curriculum - [Exhibit 4.1](#)

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It is recommended by the superintendent that the Board of Education approve the 6th, 7th and 8th Grade Technology Course of Study.

4.2 Personnel

A. Approve Resignations - Certified

It is recommended by the superintendent that the Board of Education approve and accept the resignations of the following individuals:

Name	Building	Position	Last Day of Work
Costa, Amanda	District	School Psychologist	7/31/26
Kelley, Jonathan	Dempsey	Teacher	5/28/26
Michaelis, Shaye	Woodward	Intervention Specialist	5/28/26

B. Approve Resignations - Administration Classified

It is recommended by the superintendent that the Board of Education approve and accept the resignations of the following individuals:

Name	Building	Position	Last Day of Work
Cain, Tammy	Transportation	Transportation Supervisor	7/31/26

Sherman, Jason	Willis	Director of Facilities and Transportation	7/31/26
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C. Approve Resignations - Classified

It is recommended by the superintendent that the Board of Education approve and accept the resignations of the following individuals:

Name	Building	Position	Last Day of Work
Davis, Mason	Hayes	Educational Assistant	5/27/26

D. Approve Employment - Administration Certified

It is recommended by the superintendent that the Board of Education approve certified employment for the 2026-2027 school year, specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, licensure, and receipt of other necessary documentation:

Name	Building	Position	Salary Scale/Step	Salary	Effective Date
Kelley, Jonathan	Schultz	Assistant Principal	ADS 4E/2	\$100,656.55	8/1/26
Rose, Lana	Willis	Special Education Supervisor	ADS 4E/4	\$110,774.25	7/27/2026

E. Approve Employment - Certified

It is recommended by the superintendent that the Board of Education approve certified employment for the 2026-2027 school year, specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, licensure, and receipt of other necessary documentation:

Name	Building	Position	Salary Scale/Step	Salary	Effective Date
Alspach, Bailey	Willis/Schultz	District School Counselor	MA/0	\$52,988.26	8/17/26
Dougherty,	Woodward	3rd Grade	MA/3	\$61,037.68	8/17/26

Kaleigh		Teacher			
Hinshaw, Christine	Willis	School Psychologist	MA+30/10	\$93,138.46	8/17/26
Tsakalis, Emily	Carlisle	Intervention Specialist	BA/0	\$48,171.16	8/17/26

F. Approve Employment - Classified

It is recommended by the superintendent that the Board of Education approve classified employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation and licensure (if applicable).

Name	Building	Position	Step	Rate of Pay	Start Date
Barnhart, Alyssa	Smith	Educational Assistant Class I*	1	\$18.39 per hour	8/17/26
Overmyer, Jodi	Dempsey	Educational Assistant Class II	10	\$23.36 per hour	8/17/26
Ruiz Hernandez, Marianne	Smith	Educational Assistant Class I*	5	\$20.81 per hour	8/17/26

***Per article 34.2 of OAPSE CBA**

G. Approve Employment - Classified Substitute

Employ, according to Board approved policy and wage schedules, the following individuals as a classified substitute for the 2026-2026 school year: Administrative Assistant \$14.50/hr., Bus Driver \$17.80/hr., Cook/Cashier \$12.80/hr., Custodian \$15.85/hr., Educational Assistant \$14.50/hr., Library Media Specialist Assistant \$14.50/hr., Nurse \$150.00 a day, Technology Specialist \$14.50/hr.

Approve employment for the 2026-2027 school year conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation and licensure (if applicable)

Name	Position
Hinkle, Tiffinee	Bus Driver

Hyatts, David	Bus Driver
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- H. Approve New Job Description - [Exhibit 4.2H](#)  117

It is recommended by the superintendent that the Board of Education approve a new Job description for the MTSS Instructional Coach as presented.

- I. Approve New Job Description - [Exhibit 4.2I](#)  120

It is recommended by the superintendent that the Board of Education approve a new Job description for the Educational Assistant - Bilingual (Grades PK-12) as presented.

- J. Approve New Job Description - [Exhibit 4.2J](#)  123

It is recommended by the superintendent that the Board of Education approve a new Job description for the K–5 Math and STEM Instructional Coach as presented.

- K. Approve Extended Time - Certified

It is recommended by the superintendent that the Board of Education approve the following extended time for E

Name	Work	Rate of Pay	Not to Exceed	Time Period
Rick, Brianna	Extended School Year Services	Hourly Per Diem	18 Hours	6/1/26 - 7/31/26

- L. Approve Supplemental Contracts

It is recommended by the superintendent that the Board of Education approve the following supplemental employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation, and Pupil Activity Permit (if applicable):

Name	Supplemental	Building	2026-27 Salary
Bricker, Cassie	6th Grade Camp Coordinator (0.50 FTE)	Dempsey	\$1,324.71
Graham, Deborah	6th Grade Camp Coordinator (0.50 FTE)	Dempsey	\$794.83
Latkovic, Holly	6th Grade Camp Coordinator (0.50 FTE)	Dempsey	\$1,059.77

Abrams, Jeannine	8th Grade Activity Coordinator (0.333 FTE)	Dempsey	\$529.89
Brown, Erika	8th Grade Activity Coordinator (0.333 FTE)	Dempsey	\$529.89
Stanley, Kendall	8th Grade Activity Coordinator (0.333 FTE)	Dempsey	\$529.89
Giddings, Lisa	8th Grade Trip Coordinator	Dempsey	\$3,709.18
Hill, Joshua	8th Grade Trip Coordinator	Dempsey	\$1,589.65
Irvan, Ann Marie	8th Grade Trip Coordinator (0.50 FTE)	Dempsey	\$794.83
Spaeth, Cassandra	8th Grade Trip Coordinator (0.50 FTE)	Dempsey	\$794.83
Harry, Melanie	Art Club	Dempsey	\$4,239.06
Montee, Kelly	Art Club	Dempsey	\$4,239.06
Harry, Melanie	Art Show Development Coordinator (0.50 FTE)	District	\$1,324.71
Montee, Kelly	Art Show Development Coordinator (0.50 FTE)	District	\$1,324.71
Chambers, Collin	Athletic Coordinator-Fall	Dempsey	\$2,649.41
Chambers, Collin	Athletic Coordinator-Spring	Dempsey	\$2,649.41

Lucas, Diane	Athletic Coordinator-Winter	Dempsey	\$4,239.06
Flaglor, Kenneth	Auditorium Site Manager 1st Semester	Hayes	\$6,358.59
Flaglor, Kenneth	Auditorium Site Manager 2nd Semester	Hayes	\$6,358.59
Wilkins, Zakary	Band Assistant Director	Hayes	\$4,239.06
Kesterson, Johnette	Band Color Guard Fall	Hayes	\$3,179.30
Kesterson, Johnette	Band Color Guard Winter	Hayes	\$3,179.30
Fowles, William	Band Director	Hayes	\$10,067.77
Wilkins, Zakary	Band Director	Dempsey	\$4,239.06
Wilkins, Zakary	Band Jazz	Dempsey	\$3,709.18
Fowles, William	Band Pep (0.50 FTE)	Hayes	\$2,649.42
Wilkins, Zakary	Band Pep (0.50 FTE)	Hayes	\$2,119.53
Young, Jasmine	Cheerleading Head Coach 7th Grade Fall	Dempsey	\$2,649.41
Howey, Braley	Cheerleading Head Coach 8th Grade Fall	Dempsey	\$2,649.41
Fowler, Krista	Cheerleading Head Coach Freshman Fall	Hayes	\$5,298.83
Bruns, Ainslee	Cheerleading Head Coach JV Fall	Hayes	\$5,298.83
Bruns, Justine	Cheerleading Head Coach Varsity Fall	Hayes	\$6,358.59
Hering, Thomas	Chess Club	Hayes	\$3,179.30

Hering, Thomas	Cinematics	Hayes	\$3,179.30
Jantz, Riley	Cross Country Assistant Coach Varsity Boys & Girls	Hayes	\$3,709.18
Devine, Erin	Cross Country Head Coach JV Boys & Girls (0.50 FTE)	Hayes	\$1,589.65
Peck, Nathan	Cross Country Assistant Coach Varsity Boys & Girls (0.50 FTE)	Hayes	\$1,589.65
White, Gregory	Cross Country Head Coach Varsity Boys & Girls	Hayes	\$7,418.36
Nicely, Jenny	Dempsey Helpers (0.50 FTE)	Dempsey	\$2,119.53
Bastel, Lauren	Dempsey Helpers (0.50 FTE)	Dempsey	\$1,589.65
Holley, Jane	Dempsey Helpers (0.50 FTE)	Dempsey	\$2,119.53
O'Brien, Matthew	Department Leader - Aerospace Science (AFJROTC)	Hayes	\$5,298.83
Allender, Anna	Department Leader - English Language Arts	Dempsey	\$3,179.30
Bricker, Andrew	Department Leader - Math	Dempsey	\$3,709.18
Todt, Trista	Department Leader - Related Arts	Dempsey	\$4,768.95
Abrams, Jason	Department Leader - Science	Dempsey	\$5,298.83
Massaro, Margaret	Department Leader -	Dempsey	\$5,298.83

	Social Studies		
Hall, Elizabeth	Department Leader - Special Education	Dempsey	\$3,709.18
Puthoff, Ann	Department Leader - Special Education	Dempsey	\$5,298.83
Frisch, Laura	Department Leader – Applied Sciences	Hayes	\$4,768.95
Scott, John	Department Leader – Art	Hayes	\$5,298.83
Hering, Thomas	Department Leader – English	Hayes	\$4,768.95
Young, Kimberly	Department Leader – Foreign Languages	Hayes	\$5,298.83
Pollard, Jennifer	Department Leader – Guidance	Hayes	\$5,298.83
Luksic, Denise	Department Leader – Math	Hayes	\$3,709.18
Fowles, William	Department Leader – Music	Hayes	\$3,709.18
Lehman, Stephen	Department Leader – Science	Hayes	\$5,298.83
White, Gregory	Department Leader – Social Studies	Hayes	\$5,298.83
Lord, Caitlin	Department Leader – Special Education	Hayes	\$3,709.18
McCoy, Jennifer	Department Leader – Special Education	Hayes	\$5,298.83
Ritchie, Natalie	Drama - Choreographer	Dempsey	\$4,768.95

Hurley, Linda	Drama - Costumer	Hayes	\$4,768.95
Shirring, Elisabeth	Drama - Costumer	Dempsey	\$3,709.18
Ruhlen, William	Drama - Technical Director	Dempsey	\$4,768.95
Waitkus, Erin	Drama Assistant	Dempsey	\$3,179.30
Winner, Kelly	Drama Assistant	Dempsey	\$4,768.95
Ruhlen, William	Drama Assistant Musical - Tech	Hayes	\$5,298.83
Ruhlen, William	Drama Assistant Play - Tech	Hayes	\$5,298.83
Johnson, Amanda	Drama Assistant Play & Musical	Hayes	\$4,768.95
Ruhlen, Jennifer	Drama Head	Dempsey	\$6,358.59
Wright, Kelsey	Drama Head Play & Thespian Troupe	Hayes	\$4,768.95
Cinereski, Tracy	Drama Leader Musical	Hayes	\$6,358.59
Higgins, Paul	Facility Site Manager Fall	Hayes	\$5,298.83
Crouch, Joseph	Football Assistant Coach - Volunteer	Dempsey	Volunteer
Montgomery, Curtis	Football Assistant Coach - Volunteer	Hayes	Volunteer
Penrod, Robert	Football Assistant Coach - Voclunteer	Hayes	Volunteer
Smiar, Tristen	Football Assistant Coach - Volunteer	Dempsey	Volunteer
Winn, Joshua	Football Assistant Coach - Volunteer	Hayes	Volunteer

Siegel, Aaron	Football Assistant Coach 7th Grade Boys	Dempsey	\$3,179.30
Skillen, Thomas	Football Assistant Coach 8th Grade Boys	Dempsey	\$2,649.41
Broussard-Nash, Jahi	Football Assistant Coach Freshman Boys	Hayes	\$3,179.30
Davis, Mason	Football Assistant Coach Freshman Boys	Hayes	\$3,179.30
Castorena, Nathan	Football Assistant Coach JV Boys	Hayes	\$3,709.18
Gay, Nathan	Football Assistant Coach Varsity Boys	Hayes	\$4,768.95
Sanfillipo, Anthony	Football Assistant Coach Varsity Boys	Hayes	\$4,768.95
Carr, Philip	Football Assistant Coach Varsity Boys	Hayes	\$5,828.71
Malivuk, Justin	Football Assistant Coach Varsity Boys	Hayes	\$5,828.71
Tanner, Colt	Football Assistant Coach Varsity Boys (0.50 FTE)	Hayes	\$2,649.42
Dotson, Lucas	Football Assistant Coach Varsity Boys (0.50 FTE)	Hayes	\$1,854.59
Nichols, Jordan	Football Head Coach 8th Grade Boys	Dempsey	\$4,239.06
Montgomery, Patrick	Football Head Coach Varsity Boys	Hayes	\$10,067.77
Wade, Jill	Gifted Coordinator	District	\$5,298.83
Bakunas, Jeffrey	Global Scholars	Hayes	\$4,239.06

Young, Kimberly	Global Scholars	Hayes	\$4,768.95
Dillman, Robin	Golf Assistant Volunteer Coach 7th & 8th Grade Girls	Dempsey	Volunteer
Montgomery, Kendal	Golf Head Coach 7th & 8th Grade Boys	Dempsey	\$3,709.18
Lamb, Joshua	Golf Head Coach JV Boys	Hayes	\$5,298.83
Thomas, Mark	Golf Head Coach JV Girls	Hayes	\$3,709.18
Graham, Andrew	Golf Head Coach Varsity Boys	Hayes	\$6,358.59
Kitts, Nicholas	Golf Head Coach Varsity Girls	Hayes	\$6,358.59
Lloyd-Matthews, Misty	Gymnastics Head Coach 7th & 8th Grade Girls	Dempsey	\$5,298.83
McClain, Julieanne	House Deans - Hayes	Hayes	\$2,649.41
Jantz, Riley	House Deans – Hayes (0.50 FTE)	Hayes	\$1,324.71
Vincenzo, Adam	House Deans – Hayes (0.50 FTE)	Hayes	\$1,324.71
Gilles, Emily	House Deans – Hayes (0.50 FTE)	Hayes	\$1,059.77
White, David	House Deans – Hayes (0.50 FTE)	Hayes	\$1,854.59
Kraus, Kathleen	House Deans – Hayes	Hayes	\$4,239.06
Wright, Kelsey	House Deans – Hayes	Hayes	\$4,239.06
Branham, Andrew	House Deans – Hayes	Hayes	\$2,119.53

Lamb, Joshua	House Deans – Hayes	Hayes	\$4,239.06
Morgan, David	House Deans – Hayes	Hayes	\$3,709.18
Lehman, Stephen	In-The-Know Head	Hayes	\$5,298.83
Day, Jennifer	Invention Convention	District	\$3,179.30
Melvin, Adrianah	Key Club	Hayes	\$1,589.65
Loker, Kate	LMC Coordinator – Elementary	District	\$4,239.06
Morgan, David	Mock Trial	Hayes	\$4,239.06
Pollard, Jennifer	National Honor Society	Hayes	\$3,179.30
Yoder, Drew	Newspaper Advisor	Dempsey	\$4,239.06
Jenkins, Abigail	Orchestra Pit/Vocal	Hayes	\$3,709.18
Fowles, William	Orchestra Pit/Vocal	Hayes	\$3,709.18
Parrett, Allison	Orchestra/Pit Musicians	Hayes	\$2,119.53
Duncan, Caitlin	PBIS Committee Chairperson	Smith	\$500.00
Shank, Laura	PBIS Committee Chairperson	Woodward	\$500.00
Yinger, Maegan	PBIS Committee Chairperson	Conger	\$500.00
Brenner, Brooke	PBIS Committee Chairperson (0.50 FTE)	Dempsey	\$250.00
Hershberger, Shauna	PBIS Committee Chairperson (0.50 FTE)	Dempsey	\$250.00

Steward, Emma	PBIS Committee Chairperson (0.50 FTE)	Schultz	\$250.00
Turrigiano, Naomi	PBIS Committee Chairperson (0.50 FTE)	Schultz	\$250.00
Frey, Lauren	Players Performance - Assistant	Dempsey	\$2,649.41
Wimbiscus-Black, Abigail	Players Performance - Head	Dempsey	\$2,649.41
Garrison, Alyssa	Power of the Pen	Dempsey	\$3,179.30
Frisch, Laura	Ski Club Advisor	Hayes	\$2,649.41
Jedlicka, Kelli	Soccer Assistant Coach Varsity Girls	Hayes	\$3,709.18
McLead, Jason	Soccer Assistant Coach Varsity Boys	Hayes	\$4,239.06
Williamson, Robert	Soccer Head Coach Freshman Boys	Hayes	\$4,239.06
Smith, Noah	Soccer Head Coach Freshman Girls	Hayes	\$3,179.30
Weinlein, Benjamin	Soccer Head Coach JV Boys	Hayes	\$3,709.18
Vessels, Chloe	Soccer Head Coach JV Girls	Hayes	\$3,709.18
Frey, Lauren	Strings Performance Assistant	District	\$3,709.18
Wimbiscus-Black, Abigail	Strings Performance Assistant	District	\$4,768.95
Parrett, Allison	Strings Performance Head	Hayes	\$4,768.95

Harry, Melanie	Student Council Advisor	Dempsey	\$3,179.30
Spaeth, Cassandra	Student Council Advisor	Dempsey	\$3,179.30
Meyer, Joanne	Student Council Advisor Head	Hayes	\$5,828.71
Hering, Thomas	Student Council Committee Advisor	Hayes	\$1,589.65
Pollard, Jennifer	Student Council Committee Advisor	Hayes	\$1,059.77
Smith, Paige	Student Council Committee Advisor	Hayes	\$1,589.65
Jackson, Noah	Student Experience Chairperson	Schultz	\$500.00
Kutzley, Lisa	Student Experience Chairperson	Conger	\$500.00
McClain, Julieanne	Talisman Advisor	Hayes	\$5,298.83
Bricker, Cassie	Team Leader – Sixth Grade	Dempsey	\$2,649.41
Latkovic, Holly	Team Leader – Sixth Grade	Dempsey	\$2,119.53
Brown, George	Team Leader – Sixth Grade	Dempsey	\$2,119.53
Graham, Deborah	Team Leader – Sixth Grade	Dempsey	\$4,239.06
Cummins, Amanda	Team Leader 3-5 (0.333 FTE)	Conger	\$1,059.77
Davis, Kristina	Team Leader 3-5 (0.333 FTE)	Conger	\$1,236.40

Dowell, Kelli	Team Leader 3-5 (0.333 FTE)	Conger	\$1,236.40
Griffin, Sean	Team Leader 3-5 (0.333 FTE)	Smith	\$1,059.77
Hite, Christina	Team Leader 3-5 (0.333 FTE)	Smith	\$1,236.40
Kelly, Elizabeth	Team Leader 3-5 (0.333 FTE)	Woodward	\$1,236.40
Nentwich, Emily	Team Leader 3-5 (0.333 FTE)	Woodward	\$1,236.40
Reed, Veronica	Team Leader 3-5 (0.333 FTE)	Smith	\$1,059.77
Sexton, Robert	Team Leader 3-5 (0.333 FTE)	Woodward	\$1,236.40
Jackson, Noah	Team Leader 3-5 (0.50 FTE)	Schultz	\$1,589.65
Schwab, Jessica	Team Leader 3-5 (0.50 FTE)	Schultz	\$1,854.59
Banaszak, Emily	Team Leader K-2 (0.333 FTE)	Conger	\$1,236.40
Bossick-Skillen, Lauren	Team Leader K-2 (0.333 FTE)	Schultz	\$1,236.40
Chiles, Jennifer	Team Leader K-2 (0.333 FTE)	Smith	\$1,236.40
Flahive, Denise	Team Leader K-2 (0.333 FTE)	Schultz	\$1,059.77
Heinonen, Katherine	Team Leader K-2 (0.333 FTE)	Woodward	\$1,236.40
Keeran, Lauren	Team Leader K-2 (0.333 FTE)	Smith	\$1,059.77

Kuhn, Heather	Team Leader K-2 (0.333 FTE)	Conger	\$1,236.40
McCue, Paula	Team Leader K-2 (0.333 FTE)	Smith	\$1,236.40
McVeigh, Alyssa	Team Leader K-2 (0.333 FTE)	Schultz	\$1,059.77
Nelson, Katherine	Team Leader K-2 (0.333 FTE)	Woodward	\$1,059.77
Nieman, Sarah	Team Leader K-2 (0.333 FTE)	Conger	\$1,059.77
Ruen, Melissa	Team Leader K-2 (0.333 FTE)	Woodward	\$1,236.40
Damphouse, Sarah	Team Leader Pre-K (0.333 FTE)	Woodward	\$1,236.40
Jordan, Staci	Team Leader Pre-K (0.333 FTE)	Woodward	\$1,236.40
Siefert, Anna	Team Leader Pre-K (0.333 FTE)	Woodward	\$1,059.77
Fitzgerald, Lorianne	Team Leader Related Services (0.333 FTE)	Woodward	\$1,059.77
Fuller, Emma	Team Leader Related Services (0.333 FTE)	Schultz	\$1,059.77
Glissman, Sarah	Team Leader Related Services (0.333 FTE)	Conger	\$1,236.40
Irion, Robin	Team Leader Related Services (0.333 FTE)	Smith	\$1,059.77
King, Logan	Team Leader Related Services (0.333 FTE)	Schultz	\$1,236.39
Lemyre, Felicia	Team Leader Related Services (0.333 FTE)	Conger	\$1,236.40

O'Connell, Elizabeth	Team Leader Related Services (0.333 FTE)	Smith	\$1,236.40
Pulsifer, Lisa	Team Leader Related Services (0.333 FTE)	Woodward	\$1,236.40
Rederstorff, Amanda	Team Leader Related Services (0.333 FTE)	Woodward	\$1,236.40
Ritchie, Natalie	Team Leader Related Services (0.333 FTE)	Conger	\$1,236.40
Schuler, Brendan	Team Leader Related Services (0.333 FTE)	Schultz	\$1,059.77
Shirring, Elisabeth	Team Leader Related Services (0.333 FTE)	Smith	\$1,236.40
Ruhlen, William	Technical Support - All City Concerts	District	\$500.00
Breece, Kailah	Tennis Head Coach 7th and 8th Grade Girls	Dempsey	\$3,179.30
Hibinger, Gary	Tennis Head Coach JV Girls	Hayes	\$5,298.83
Jenkins, Abigail	Vocal Performance Assistant	District	\$4,239.06
Cinereski, Tracy	Vocal Performance Head	Hayes	\$6,358.59
Winner, Kelly	Vocal Performance Head	Dempsey	\$5,298.83
Eversole, Payton	Volleyball Head Coach Freshman Girls	Hayes	\$3,179.30
Pope, Logan	Volleyball Head Coach JV Girls	Hayes	\$3,179.30
Whitaker, Clayton	Volleyball Head	Hayes	\$7,948.24

	Coach Varsity Girls		
Montee, Kelly	Yearbook	Dempsey	\$3,179.30
West, Kevin	Youth in Government	Hayes	\$4,239.06

M. Approve Supplemental Contracts - Classified

It is recommended by the superintendent that the Board of Education approve the following supplemental employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation, and Pupil Activity Permit (if applicable):

Name	Supplemental	Building	Salary (Not Less Than)
Cornell, Nathan	Football Assistant Coach JV Boys	Hayes	NLT\$4,768.95
Hibinger, Dianna	Tennis Head Coach Varsity Girls	Hayes	NLT \$6,358.59
Kuno, Kayla	Cross Country Head Coach 7th & 8th Grade Boys and Girls	Dempsey	NLT \$3,179.30

N. Approve Stipends - Certified

It is recommended by the superintendent that the Board of Education approve the following stipends:

Name	Work	Rate of Pay	Not to Exceed
Bauer, Amber	Bridges Training	\$28.00 / per hour	6 Hours
Bohrer, Joann	Orton Gillingham Training	\$28.00 / per hour	10 Days/\$1960.00
Bucci, Karsten	Orton Gillingham Training	\$28.00 / per hour	10 Days/\$1960.00
Fitzgerald, Lorianne	Bridges Training	\$28.00 / per hour	6 Hours
Forster, Samantha	Bridges Training	\$28.00 / per hour	6 Hours

Fulton, Kelly	Bridges Training	\$28.00 / per hour	6 Hours
Godfrey, Kelly	Orton Gillingham Training	\$28.00 / per hour	10 Days/\$1960.00
Godfrey, Kelly	ETR and IEP	\$28.00 / per hour	5 Hours
Kutscher, Sarah	Orton Gillingham Training	\$28.00 / per hour	10 Days/\$1960.00
Neuhart, Katie	Bridges Training	\$28.00 / per hour	6 Hours
Papa, Jennifer	Bridges Training	\$28.00 / per hour	6 Hours
Parsons, Erin	Bridges Training	\$28.00 / per hour	6 Hours
Rieman, Elizabeth	Bridges Training	\$28.00 / per hour	6 Hours
Shirring, Elisabeth	Bridges Training	\$28.00 / per hour	6 Hours
Talik Hines, Anne	Orton Gillingham Training	\$28.00 / per hour	10 Days/\$1960.00

O. Approve Ticket Taker/Seller

It is recommended by the superintendent that the Board of Education approve the following individuals as Ticket Taker/Seller at the rate of \$12.80 per hour for the 2026 – 2027 school year:

Clark, Lori
Kollas, Meghan
Parker, Donna
Parker, Leslie
Plank, Heidi
Willis, Mary

4.3 Financial

A. Declare Transportation Impractical and Approve Payment in Lieu of Providing

Transportation

Pursuant to the requirements established in Ohio Revised Code Chapter 3327.02 the procedures set forth by the Ohio Department of Education, it is recommended that bus transportation for students listed to their chosen schools be declared impractical for the 2026-2027 school year, and that payment in lieu of transportation be offered to the parents/guardians at the state approved rate:

Children of the following Parent(s):	School
Patrick and Kelsey Esber	Genoa Christian Academy
Tyler and Jamie Hudson	Genoa Christian Academy
Ashley Reger	Genoa Christian Academy
Blaine and Trista Schlagetter	Genoa Christian Academy
Robert and Elizabeth Shrewsbury	Genoa Christian Academy
Greg and Ronee Stout	Genoa Christian Academy
Brandon and Savannah Willmore	Genoa Christian Academy
Adam and Amanda Baden	Grace Community School
Silas and Jennifer Caeton	Grace Community School
Ryan and Veronica Cross	Grace Community School
Anthony Dandrea and Nicole Blais	Grace Community School
Leslie Ford	Grace Community School

Brady and Elizabeth Gregory	Grace Community School
Cole and Ashleigh Grimm	Grace Community School
Steven and Erin Hoffman	Grace Community School
Matthew and Sarah Kimes	Grace Community School
Michael and Ashley Kupcho	Grace Community School
Michain Lesley	Grace Community School
Justin and Cora Parks	Grace Community School
Stephen and Melissa Schoessler	Grace Community School
Vanessa Sturwold	Grace Community School
Joshua and Kayla Wiegert	Grace Community School
Kenneth and Alante Watscon	Grace Community School
Judson and Stefanie Huston	St. Mary's
Matthew and Katherine Catoni	St. Paul
Francis and Mindy Maselli	St. Paul
Jack and Molly Lausch	Tree of Life-Dublin
Matthew and Selam Miner	Tree of Life-Polaris

4.4 Consent Action

Moved by _____ seconded by _____ to approve all of the consent items as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

5. Discussion

5.1 First Reading of Board Policies as presented - [Exhibit 5.1](#)

126

Policy or A.G.	Topic	Action Type
po2266	Nondiscrimination on the basis of sex in education programs or activities	Revised
po1422	Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment	Replacement
po1422.02	Nondiscrimination based on Genetic Information of the Employee	Rescind
po1662	Anti-Harassment	Rescind
po3122	Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment	Replacement
po3122.02	Nondiscrimination based on Genetic Information of the Employee	Rescind
po3362	Anti-Harassment	Rescind
po4122	Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment	Replacement
po4122.02	Nondiscrimination based on Genetic Information of the	Rescind

	Employee	
po4362	Anti-Harassment	Rescind
po5112	Entrance Requirements	Revised
po9270	Equivalent Education Outside the Schools & Participation in Extracurricular for Students not enrolled in the district	Revised

6. Action Items

6.1 Approve Second Reading and Approval of Board Policies - [Exhibit 6.1](#)

257

Policy	Topic	Type
po5200	Attendance	Revised
po7540.02	Digital Content and Accessibility	Revised

It is recommended by the superintendent that the Board of Education approve the board policies as presented.

Moved by _____ seconded by _____ to approve the board policies as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

6.2 Approve Enrollment Agreement with Bridgeway Academy for Student A - [Exhibit 6.2](#)

274



It is recommended by the superintendent that the Board of Education approve the Enrollment Agreement with Bridgeway Academy for SY 2026-2027 for educational services for Student A as presented.

Moved by _____ seconded by _____ to approve the Enrollment Agreement with Bridgeway Academy for SY 2026-2027 for educational services

for Student A as presented.

**6.3 Approve BND Consulting, LLC Agreement - [Exhibit 6.3](#) **

282

It is recommended by the superintendent that the Board of Education approve the following agreement with BND Consulting, LLC for behavior intervention services from August 2026-June 2027 for Student A as presented.

Moved by _____ seconded by _____ to approve the following agreement with BND Consulting, LLC for behavior intervention services from August 2026-June 2027 for Student A as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

**6.4 Approve T-Mobile Project 10Million Agreement - [Exhibit 6.4](#) **

285

It is recommended by the superintendent that the Board of Education approve the following T-Mobile Project 10Million Agreement for 40 hotspots as presented.

Moved by _____ seconded by _____ to approve the following T-Mobile Project 10Million Agreement for 40 hotspots as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

**6.5 Approve Waltz Business Solutions - [Exhibit 6.5](#) **

293

It is recommended by the superintendent that the Board of Education approve the following Waltz Business Solutions proposal as presented. Funding for the purchase and will come from the 2019 Bond Issue.

Moved by _____ seconded by _____ to approve Waltz Business Solutions proposal as presented.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener
_____ Mrs. Buckerfield

6.6 Approve Property, Fleet, and Liability Insurance Renewals

It is recommended by the superintendent that the Board of Education approve the property, fleet, and liability insurance renewals effective July 1, 2026 - June 30, 2027 with Hosket Ulen Insurance Solutions at the rates listed below.

Property/ILM \$185,277
Fleet \$77,237
Liability/Crime/Umbrella \$500
Cyber \$17,845
Active Shooter Malicious Attack \$11,500

Moved by _____ seconded by _____ to approve property, fleet, and liability insurance renewals effective July 1, 2026 - June 30, 2027 with Hosket Ulen Insurance Solutions at the rates listed above.

_____ Mr. Backus (President)
_____ Mrs. Gasaway (Vice-President)
_____ Ms. Harris
_____ Mr. Wiener
_____ Mrs. Buckerfield

6.7 Approve Purchase of Replacement School Bus - [Exhibit 6.7](#)

297

I recommend the Board approve the purchase of one replacement 72-passenger conventional bus from Cardinal Bus Sales, Inc. through the META School Bus Purchase Program in the amount \$145,200.00 as presented. Funding for the purchase will come from the permanent improvement fund.

Moved by _____ seconded by _____ to approve the purchase of replacement bus as presented.

_____ Mr. Backus (President)
_____ Mrs. Gasaway (Vice-President)
_____ Ms. Harris
_____ Mr. Wiener
_____ Mrs. Buckerfield

7. Superintendent Comments

8. Board Requests

9. Calendar

June 1-July 31 - Free summer lunch program at Woodward

July 15 - Special Meeting/Board Retreat at Columbus State Community College

July 23 - Supplies for Scholars at Willis

August 3 - Board of Education Meeting - Willis Education Center

August 5 - Supplies for Scholars at Woodward 12:00-1:00p

August 17 - Board of Education Meeting - Willis Education Center

August 19 - First Day of School

10. Executive Session

I recommend the Board to enter into executive session for the purpose of the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official, or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing

Moved by _____ seconded by _____ to enter into executive session for the purpose of considering the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

Roll call resulted as follows:

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

President _____ declared the Board in executive session at _____.

Moved by _____ seconded by _____ to exit out of executive session for the purpose of considering the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

Roll call resulted as follows:

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

President _____ declared the Board out of executive session at _____.

11. Adjournment

I recommend this meeting be adjourned.

Moved by _____ seconded by _____ to adjourn
this meeting.

_____ Mr. Backus (President)

_____ Mrs. Gasaway (Vice-President)

_____ Ms. Harris

_____ Mr. Wiener

_____ Mrs. Buckerfield

Exhibit 1.4



**Delaware City Schools Board of Education
Minutes of 6/15/2026
Regular Meeting
Willis Education Center
6:00pm**

2026-MR 1.0 Opening

2026-MR 1.1 Call to Order and Roll Call

The Delaware City Board of Education met in Regular session on 6/15/2026 at 6:05pm at the Willis Education Center.

Members present on roll call were:

Mr. Backus (President)
Mrs. Gasaway (Vice-President)
Ms. Harris
Mr. Wiener
Mrs. Buckerfield
Ms. Fitzharris*

2026-MR-1.2 Moment of Silence

- Leslie Kress

2026-MR-1.3 Salute the Flag

2026-MR-1.4 Adoption of Agenda

Moved by Mrs. Gasaway, seconded by Ms. Harris to adopt this agenda as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-1.5 Approve Minutes

Moved by Mr. Wiener, seconded by Ms. Harris to approve the minutes of 5/18/2026 regular meeting.

Roll call resulted as follows: Mr. Wiener, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-1.6 Approve Financial Reports

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the April Financial Reports as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-1.7 Approve Financial Reports

Moved by Mr. Wiener, seconded by Mrs. Gasaway to approve the May Financial Reports as presented.

Roll call resulted as follows: Mr. Wiener, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Ms. Harris, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-1.8 Recognitions and Presentations

- Hayes High School Graduates
 - Gabriela Ascencio
 - Jaden Jones
- Spring Athletes Recognized
- Fallon Research Public Opinion Survey Presentation
 - Report received on a public opinion research study consisting of surveys and interviews with 324 community members.
 - Overall findings indicated strong satisfaction with the quality of life in Delaware County and with Delaware City Schools, particularly among parents.
 - Respondents expressed strong awareness of housing growth and anticipated continued student enrollment increases.
 - Most respondents recognized the need for additional school facilities to address future enrollment and capacity.
 - The high school was identified as the community's greatest facility concern.
 - Perceptions of the District's financial stewardship and facility planning were mixed.

- The study concluded that the community generally supports the District while emphasizing the need for continued communication regarding future facility and budget plans.

2026-MR-2.0 Reports

2.1. Unions

- A. DCEA - No report.
- B. UE - No report.
- C. OAPSE - No report.

2.2. Superintendent

- Open Enrollment
 - The application process and policy has not changed.
 - Applications are evaluated based on available space, building capacity, and student attendance and discipline.
 - Continued enrollment growth is driving decisions to balance class sizes and maintain educational quality.
 - Administration thanked the community for its understanding as the District manages growth and capacity.
- June district highlight:
 - Hayes Graduation
 - Global Exploration and Cultural Immersion
 - Invention Convention Nationals
 - Elementary Field Days
 - Hayes House Games
 - Student Performance at Carnegie Hall

A. Departmental Updates

- a. Teaching and Learning -
 - i. Dr. Swanger reported on the Bishop Scholars Program, which is a tutoring partnership with OWU .
 - ii. The K-5 math adoption materials have been received and are being organized for distribution to classrooms.
- b. Human Resources -
 - i. Mr. Nadeau thanked staff who volunteered to participate in the interview and hiring process.
 - ii. He presented the consent agenda, including summer professional development, extended days, classified substitutes, and step and rate adjustments.
 - iii. The Board reviewed contracts for facility improvements, including roof replacement, Conger space reallocation, Hayes skylight engineering, phone and camera system upgrades, and the purchase of two buses.

- iv. Action items were presented for technology, special education, facilities, and food service contracts.
- v. Mr. Nadeau also reported on food service financial performance and the launch of the summer meal program.

B. Student Board Member

- a. Ms. Fitzharris expressed appreciation for the opportunity to serve on the Board and recognized the new student representative for his involvement at Hayes. She also shared her excitement for the next chapter in her life.

2.3. Treasurer/CFO

- CFO Corwin presented the April and May financial statements for approval. The District is trending in a strong financial position moving into fiscal year end with revenues outpacing expenditures and trending favorably against the Five-Year Forecast. She also reviewed the primary revenue variances and provided a comparison of FY25 and FY26 expenditures.
- CFO Corwin presented for approval the FY26 Final Appropriation Resolution and Estimated Resources and the FY27 Estimated Appropriation Resolution and Estimated Resources.
- She provided a comparison of FY26 and FY27 temporary appropriations for all funds.
- CFO Corwin also presented donations from Chesrown Chevrolet/GMC for Board approval.

2.4. Legislative Update

- Mr. Pomeroy reported he testified in front of the House Education Committee around Senate Bill 328. This is a Substitute Bill which offers more flexibility, coaching for students, and resources.

2.6. Board Comments

- Mrs. Gasaway provided a Communications Committee update, including discussion of Dollars and Decisions, social media campaigns, and efforts to diversify district communications.
- Mrs. Buckerfield reviewed an AI policy update focused on responsible use for students and staff, and Mr. Wiener noted that policy updates are driven by legal requirements and the need to keep policies current.
- Mr. Backus reported on the Teaching and Learning Committee, including updates on the summer reading program.

2.5. Public Comment

- Kyle Henry, 2260 Red Barn St, Delaware - Resident
- Brittany Tate, 50 Oak St, Delaware - Resident/Parent
- Deanna Jenkins, 777 Wallace Dr, Delaware - Resident/Parent
- Kevin Knight, 3698 State Route 529, Cardington - Parent

2026-MR-3.0 Consent Agenda

Moved by Mrs. Buckerfield, seconded by Ms. Harris to approve all of the consent items as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-3.1 Pupils

A. Approve Overnight Field Trips

1. Talisman Journalism Students trip

I recommend the Board approve the Hayes Journalism Students Talisman for an overnight field trip from 11/19/2026 to 11/24/2026 to the Journalism Education Association & National Scholastic Press Association National Journalism Convention in Orlando Florida as presented.

2. 6th Grade Camp

I recommend the Board approve the 6th Grade Camp for an overnight field trip from 10/5/2026 to 10/7/2026 and 10/7/2026 to 10/9/2026 to Camp Hopewood in Marengo, Ohio as presented.

3. UCA Cheer Camp

I recommend the Board approve the Hayes Varsity, JV, and Freshman Cheer athletes for an overnight field trip from 7/29/2026 to 8/1/2026 to the UCA Cheer Camp in Ashland, Ohio as presented.

4. Spectacular Volleyball Tournament

I recommend the Board approve the Hayes Varsity Volleyball athletes for an overnight field trip from 7/17/2026 to 7/18/2026 at the Cedar Point Sport Center in Sandusky, Ohio as presented.

2026-MR-3.2 Personnel

2026-MR-3.2A Approve Resignations/Retirements

1. Certified Staff

Approve and accept the resignation/retirement of the following individuals:

Sheldon Hill	Intervention Specialist Hayes	Last Day of Work 5/28/2026
Julia Prokop	Teacher Conger	Last Day of Work 5/28/2026
Danielle Seery	Teacher Conger	Last Day of Work 5/28/2026
Kristene Tipp*	Teacher Schultz	Last Day of Work 11/30/2026
Travis Woodworth	Principal Schultz	Last Day of Work 6/22/2026

****For the Purpose of Retirement***

2. Classified Staff

Approve and accept the resignation/retirement of the following individuals:

Cindy Fisher*	Bus Driver Transportation	Last Day of Work 11/30/2026
Beth McDaniel*	HR Generalist Willis	Last Day of Work 7/31/2026
Frank Sanfillipo	Educational Assistant Dempsey	Last Day of Work 5/27/2026
Jennifer Saunders	Education Assistant Hayes	Last Day of Work 5/27/2026
Amanda Shreve	Educational Assistant Conger	Last Day of Work 5/27/2026

****For the Purpose of Retirement***

2026-MR-3.2B Approve Employment

1. Certified Staff

Approve certified employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, licensure, and receipt of other necessary documentation.

Myriam Arias Bernal	EL Teacher Conger and Smith	Salary Scale BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Karsten Bucci	Intervention Specialist Carlisle	Salary Scale BA, Step 0 \$48,171.16 1 Year Contract Effective 8/17/2026
Adison Chorey	Teacher Carlisle	Salary Scale BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Hannah Clouse	Speech Language Pathologist Conger	Salary Scale MA, Step 6 \$69,087.08 1 year contract Effective 8/17/2026
Erin Devine	Teacher Hayes	Salary Scale MA, Step 5 \$66,403.94 1 year contract Effective 8/17/2026
Jennifer Gearhart	Teacher Woodward	Salary Scale BA-150, Step 5 \$61,707.26 1 Year Contract Effective 8/17/2026
Krista Goble	Teacher Schultz	Salary Scale MA, Step 6 \$69,087.08 1 Year Contract Effective 8/17/2026
Mary Kate Henry	Intervention Specialist Woodward	Salary Scale BA-150, Step 5 \$61,707.26 1 Year Contract Effective 8/17/2026
Kordell Hunt	Art Teacher Hayes	Salary Scale BA, Step 6 \$60,397.00

		1 year contract Effective 8/17/2026
Emily Hazen	PreK Intervention Specialist Woodward	Salary Scale BA, Step 1 \$50,208.80 1 Year Contract Effective 8/17/2026
Jocelyn Line	Speech Language Pathologist Schultz	Salary Scale MA, Step 6 \$69,087.08 1 Year Contract Effective 8/17/2026
Augusta Koelsch	Intervention Specialist Woodward	Salary Scale BA, Step 4 \$56,321.72 1 Year Contract Effective 8/17/2026
Kelsey Marsico	Teacher Dempsey	Salary Scale MA, Step 6 \$69,087.08 1 year contract Effective 8/17/2026
Katie Neuhart	Teacher Smith	Salary Scale BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Tanner Orillion	Teacher Woodward	Salary Scale MA, Step 6 \$69,087.08 1 year contract Effective 8/17/2026
Erin Parsons	Teacher Smith	Salary Scale BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Abigail Reagan	Teacher Conger	Salary Scale BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Michele Starner	Teacher Schultz	Salary Scale BA, Step 0 \$48,171.16

1 year contract
Effective 8/17/2026

Landon Turnbull	Teacher Conger	Salary Scale BA, Step 1 \$50,208.80 1 year contract Effective 8/17/2026
Abbigail Willey	Intervention Specialist Conger	Salary Scale BA, Step 0 \$48,171.16 1 Year Contract Effective 8/17/2026
Judaea Wilson	Teacher Conger	Salary Scale BA, Step 0 \$48,171.16 1 Year Contract Effective 8/17/2026
Audrey Young	Teacher Conger	Salary Scale, BA, Step 0 \$48,171.16 1 year contract Effective 8/17/2026
Jessica Zuch	Physical Therapist District	Salary Scale MA+45, Step 6 \$78,721.31 1 year contract Effective 8/17/2026

1. Classified Staff

Approve classified employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation and licensure (if applicable).

Current assignments are as follows:

Hailey Herrick	Educational Assistant Woodward *Class 1	\$18.39 per hour, Step 1 Effective 8/17/2026
Raven Holloway	Educational Assistant Woodward *Class 1	\$20.81 per hour, Step 5 Effective 8/17/2026

Keriann Menz	Educational Assistant Carlisle *Class 1	\$18.39 per hour, Step 1 Effective 8/17/2026
Kristen Montgomery	Educational Assistant Woodward *Class 1	\$18.39 per hour, Step 1 Effective 8/17/2026
Carolyn Russell	Educational Assistant Woodward *Class 1	\$18.97 per hour, Step 2 Effective 8/17/2026
Karen Paver	Bus Driver Transportation	\$25.51 per hour, Step 5 Effective 8/17/2026

**Per article 34.2 of OAPSE CBA*

2. Classified Substitute for the 2025-2026 School Year

Employ, according to Board approved policy and wage schedules, the following individuals as a classified substitute for the 2025-2026 school year: Administrative Assistant \$14.50/hr., Bus Driver \$17.80/hr., Cook/Cashier \$12.80/hr., Custodian \$15.85/hr., Educational Assistant \$14.50/hr., Library Media Specialist Assistant \$14.50/hr., Nurse \$150.00 a day, Technology Specialist \$14.50/hr.

Approve employment for the 2025-2026 school year conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation and licensure (if applicable).

Angela Moore	Administrative Assistant	Effective 2/9/2026
Karen Paver	Bus Driver	Effective 6/1/2026

3. Classified Substitute Reemployment for the 2026-2027 School Year

I recommend reemployment of the following individuals as classified substitutes at the Board approved rates for the 2026–2027 school year in the substitute roles as indicated:

AA = Administrative Assistant \$14.50/hr., BD=Bus Driver \$17.80/hr., CC=Cook/Cashier \$12.80/hr., FC=Custodian \$15.85/hr., EA=Educational Assistant \$14.50/hr., LM=Library Media Specialist Assistant \$14.50/hr., N=Nurse \$150.00/day, TS=Technology Specialist \$14.50/hr.

Name	Position
------	----------

Sarah Allen	N
Brian Bertsch	FC
Moira Blitzen	AA, EA, LM, TS
Ruth Braun	AA, EA
Judy Brink	EA, LM
Jeremy Clem	BD
Toni Derstine	N
Deborah Desmond	AA, EA, LM
Brittany Duvall	AA, N
Kimberly Estes	AA
Wendy Fairbanks	AA, EA
Kacy Haser	AA
Carrie Hazelrigg	N
Hailey Herrick	EA
Victoria Herrold	AA, LM, TS
Lori Hoferkamp	BD
Sarah Hyatt	AA, EA, LM, TS
Melissa Johnson	AA, EA, LM, TS
Daniel Knepper	FC
Martha Lloyd	AA, LM
Kathleen Maynard	EA
Daniel McCord	EA, LM, N
Blair Millet	EA
Terry Newland	FC
Jamie Nowell	AA
Kathleen Porteus	LMS
Patricia Robb	AA, EA, LM

Sandra Rose	AA, FC, EA, FS
Madina Sargand	EA, LM
Holly Schaber	AA, ES, FS, LM
Chad Spring	EA
Stephanie Steahly	AA, EA, LM, TS
Tyra Taylor	AA
Elizabeth Turay	AA, EA, LM, TS
Jaime Turinsky	AA, EA, LM, TS
Stephanie Wheeler	AA, EA, LM, TS
Sydney Wolf	N

2026-MR-3.3C Approve New Job Descriptions

I recommend the Board approve a new Job description for the District School Counselor (Grades PK-12) as presented.

2026-MR-3.3D Approve Supplemental Contracts for the 2026-2027 School Year

1. Approve the following supplemental employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, receipt of all other necessary documentation, and Pupil Activity Permit (if applicable):

LAST NAME	FIRST NAME	SUPPLEMENTAL	BUILDING	2026-27 SALARY
Daugherty	James	Soccer Head Coach Varsity Girls	HAYES	\$6,888.48
Weiss	Brett	Soccer Head Coach Varsity Boys	HAYES	\$6,888.48

2026-MR-3.3E Approve Supplemental Position and Hourly Rate Corrections

I recommend the board approve the following Position and/or Pay Rate Corrections for the following individuals that were approved on the 5/18/2026 board agenda as follows:

2026-MR-3.3F Approve Supplemental Start Date Corrections

I recommend the board approve the following Start Date Corrections for the following individuals that were approved on the 5/18/2026 board agenda as follows:

Name	Original position approved on 5/18/2026 agenda	New position for approval	Pay Rate approved on 5/18/2026 Agenda	New Pay Rate
Brooklyn Kennedy	Crew Member	Crew Member	\$10.79	\$11.00
Tyler Huff	Crew Member	Crew Member	\$10.79	\$11.00
Dennis Palmquist	Assistant Crew Leader	Crew Leader	\$13.43	\$15.01
Megan Vasquez	Crew Member	Crew Member	\$10.79	\$11.00
Liam Waselko	Crew Member	Assistant Crew Leader	\$11.85	\$13.43

Name	Title	Board Agenda originally approved on	Start Date on original agenda	Adjusted Start Date
Marta Bourget	Crew Member	5/18/2026	6/1/2026	5/18/2026
Brennan Logsdon	Crew Member	5/18/2026	6/1/2026	5/18/2026
Liam Waselko	Assistant Crew Leader	5/18/2026	6/1/2026	5/18/2026

2026-MR-3.3G Approve Administrative Contracts

I recommend the Board approve the following Administrative Contracts effective August 1, 2026.

Name	Position Title	Home Building	Contract Duration (Years)
Lori Groff	Assistant Treasurer	Willis	3

2026-MR-3.4H Approve extended time for the following individuals for step adjustments for educational attainment or work experience:

I recommend the Board approve extended time for the following individuals for step adjustments for educational attainment or work experience:

Last Name	Salary Schedule	Step	Effective Date
Tina Fleshman	HR generalist/Fiscal Support	12	8/1/2026
Lori Groff	ADS 5E	6	8/1/2026
Sarah Green	Accountant I	13	8/1/2026
Michelle Kelly	Payroll Assistant	12	8/1/2026
Tiffany Robertson	Administrative Assistant-Admin. Scale	7	3/16/2026
Sara Schroeder	EMIS Coordinator II	4	8/1/2026

2026-MR-3.5I Approve Extended Time/Days

1. I recommend the Board approve the following intervention specialist-ESY at their regular per diem hourly rate to provide instruction to students who qualify for extended school year services:

Name	Not to Exceed	Time Period
Elizabeth Maclehose	10 hours	6/1/2026 - 8/7/2026

2. I recommend the Board approve extended time for the following Educational Assistants at their regular hourly rate to provide support for students at Hayes with extended school services as needed:

Name	Not to Exceed	Time Period
Catherine Cross	25 hours	6/1/2026 - 8/7/2026
Steven Heymen	20 hours	6/1/2026 - 8/7/2026

3. I recommend the Board approve extended time for the following Educational Assistants at their regular hourly rate to provide support for students during third grade reading camp as needed:

Name	Not to Exceed	Time Period
Tabatha Deavers	65 hours	6/1/2026 - 8/7/2026
Kimberly Dushane	65 hours	6/1/2026 - 8/7/2026
Kelly Dutton	65 hours	6/1/2026 - 8/7/2026
Logan Keeder	65 hours	6/1/2026 - 8/7/2026

4. I recommend the Board approve extended time for the following Intervention Specialist ESY pathologist at their regular per diem hourly rate to Provide instruction to students who qualify for extended school year services and speech services.

Name	Not to Exceed	Time Period
Maria Hall	12 hours	6/1/2026 - 8/7/2026

5. I recommend the Board approve extended time for the following Educational Assistants at their regular hourly rate to provide support one on one for students at the Ohio School For the Blind during the extended school year as needed:

Name	Not to Exceed	Time Period
Sarah Cook	130 hours	6/1/2026 - 8/7/2026
Erin Winters	160 hours	6/1/2026 - 8/7/2026

6. I recommend the Board approve extended time for the following teachers at their regular per diem rate, by 6/30/2026 for Teaching and Learning Coaching:

Name	Not to Exceed	Time Period
Amanda Mays	1 day	By June 30
Philip Terry	1 day	By June 30

7. Extended Service Days

I recommend the Board approve up to the following extended service days for the 2026-2027 school year at the staff member's regular per diem rate:

LAST NAME	FIRST NAME	PURPOSE	2026-2027 ESD NTE
Bastel	Lauren	School Counselor	10
Bergstedt	Tara	Speech-Language Pathologist	8
Bestic	Sarah	Speech-Language Pathologist	8

Brown	Cynthia	Speech-Language Pathologist	8
Burris	Angie	School Psychologist	18
Burroughs	Donald	Career Pathways Coordinator	12
Bushong	Viviane	School Counselor	17
Clouse	Hannah	Speech-Language Pathologist	8
Costa	Amanda	School Psychologist	18
Craig	Kelly	School Nurse	10
Crider	Meredith	Speech-Language Pathologist	8
Day	Jennifer	Gifted Intervention Specialist	2
Ellerbrock-Bendele	Lynette	School Psychologist	18
Esposito	Emily	School Psychologist	18
Fitzgerald	Lorianne	Literacy Coach	7
Forster	Samantha	Literacy and Instructional Coach	7
Glissman	Sarah	School Counselor	6
Gorden	Heath	Teaching and Learning Coach	10
Greene	Rebecca	School Psychologist	18
Hall	Maria	Speech-Language Pathologist	8
Hoffman	Erin	Speech-Language Pathologist	8
Holley	Jane	School Counselor	10
Iacovone	Elizabeth	School Counselor	17
Irion	Robin	School Counselor	6
Jamal	Christian	School Counselor	17
Johnston	Kimberly	School Nurse	10
Kerns	Kristen	Speech-Language Pathologist	8
Kinnick	Marissa	School Psychologist	18
Line	Joselyn	Speech-Language Pathologist	8
Loker	Kate	LMC Director	7
Mays	Amanda	Teaching and Learning Coach	10
Montgomery	Stephanie	School Psychologist	18
Mosley	Amy	Behavior Specialist (BCBA)/School Psychologist	18
Mustard	Jill	Psychologist	18
Nakasian	Alexis	School Counselor	6
Nicely	Jenny	School Counselor	10
Papa	Jennifer	Literacy Coach	3.5

Pollard	Jennifer	School Counselor	17
Ressler-Wright	Sarah	Library Media Specialist	7
Rieman	Elizabeth	Literacy Coach	7
Schwartz	Annette	Psychologist	9
Shank	Laura	School Counselor	6
Shaw	Laura	Teacher Leader - W.I.L.L.	8
Shirring	Elisabeth	Literacy Coach	7
Shonebarger	Jennifer	School Counselor	17
Stainbrook	Bailey	Speech-Language Pathologist	8
Stevenson	Sarah	School Counselor	17
Tankovich	Paul	Teaching and Learning Coach	10
Terry	Philip	Teaching and Learning Coach	10
Tomusko	Samantha	School Counselor	6
Toombs	Lisa	District Nurse Coordinator	10
Toombs	Lisa	School Nurse	10
Wade	Jill	Gifted Intervention Specialist	2
West	Toby	District Data Coordinator	15

8. I recommend the Board approve extended days for Matthew Kruthaup, to be paid at their regular per diem rate, not to exceed 5 days, for service dates of 6/1/2026 - 8/14/2026 for the position of Hayes Dean of Students.
9. I recommend the Board approve extended days for Kimberly Estes to be paid at their regular hourly rate, not to exceed 7.5 days or 60 hours, for service dates of 6/11/2026, 6/15/2026 - 6/18/2026, 6/22/2026 - 6/25/2026, 6/29/2026 - 7/1/2026 for counseling office duties and support.
10. I recommend the Board approve extended days for Kacy Haser to be paid at their regular hourly rate, not to exceed 7.5 days or 60 hours, for service dates of 7/2/2026, 7/6/2026 - 7/9/2026, 7/13/2026 - 7/16/2026, 7/20/2026 - 7/23/2026, 7/27/2026 - 7/28/2026 for counseling office duties and support.
11. I recommend the Board approve additional time for the following individuals to be paid at their regular hourly rate, for service dates of 6/4/2026 - 8/16/2026, for help with summer cleaning.

Name	Not to Exceed	Time Period
Rebecca Fitch	180 Hours	5/28/2026 - 8/16/2026
Harley Kitchen	144 hours	6/4/2026 - 6/30/2026
Shannon Holmes	210 hours	6/4/2026 - 8/16/2026

2026-MR-3.5J Approve Stipends

1. I recommend the Board approve a stipend for the following individuals to be paid at \$28.00 per hour as a Summer Marcus Trainer.

Name	Not to Exceed	Time Period
Ema Steward	7 days	6/23/2026, 6/24/2026, 7/28/26, 7/29/26, 8/10/2026 and 8/11/2026

2. I recommend the Board approve a stipend for the following individuals for the STACK training, to be paid at \$28.00 per hour for the following Intervention Specialist:

Name	Not to Exceed	Time Period
Raymond Eddy	4 days or 30 hours	6/15/2026-6/18/2026
Mary Henry	4 days or 30 hours	6/22/2026-6/25/2026
Augusta Koelsch	4 days or 30 hours	6/22/2026-6/25/2026
Lindsay Gaston	4 days or 30 hours	6/15/2026-6/18/2026
Elizabeth O'Connell	4 days or 30 hours	6/15/2026-6/18/2026

3. I recommend the Board approve a stipend for the following elementary teachers attending 95 Phonics Core Program - Grade K at \$28.00 per hour.

Name	Not to Exceed	Time Period
Amanda Furgiuele	6 hours	6/3/2026
Ariadna Oquendo	6 hours	6/3/2026
Elizabeth Rieman	6 hours	6/3/2026
Amy Waldron	6 hours	6/3/2026
Adison Chorey	6 hours	6/3/2026

4. I recommend the Board approve a stipend for the following individuals, at \$28.00 per hour for RIMPS curriculum work, planning, and the implementation of Read 180:

Name	Not to Exceed	Time Period
Rachel Fell	10 hours	6/18/2026 to 8/1/2026
Shauna Hershberger	10 hours	6/18/2026 to 8/1/2026

5. I recommend the Board approve a stipend for the pre-registered elementary teachers attending Bridges Math Professional Development at \$ 28.00 per hour.

Last Name	First Name	Position Title	Home Building
Allen	Jessica	Grade 2	Carlisle Elem.
Carlson	Theresa	Kindergarten	Carlisle Elem.
Chrismer	Christina	Intervention Specialist	Carlisle Elem.
Kilhefner	Chad	Grade 1	Carlisle Elem.
Terry	Marcy	Grade 3	Carlisle Elem.
Lamb	Sheri	Intervention Specialist	Carlisle Elem.
Roy	Elizabeth	Grade 2	Carlisle Elem.
Livingston	Sara	Grade 2	Carlisle Elem.
Tompkins	Christina	Grade 2	Carlisle Elem.
Keller	Catherine	Grade 1	Carlisle Elem.
Stanton	Margaret	Grade 1	Carlisle Elem.
Gatton	Heidi	Intervention Specialist	Carlisle Elem.
Bartz	Amanda	Grade 1	Carlisle Elem.
Masters	Amanda	Grade 3	Carlisle Elem.
Knoll	Barbara	Kindergarten	Carlisle Elem.
Lucas	Laura	Kindergarten	Carlisle Elem.
Blue	Katherine	Math - Grade 4	Carlisle Elem.
Reese	Cassidy	Grade 3	Carlisle Elem.
Truss	Riyeasa	Kindergarten	Carlisle Elem.
Younkin	Rebekah	Intervention Specialist	Carlisle Elem.
Miller	Maggie	Grade 3	Carlisle Elem.
Severns	Mary	Intervention Specialist	Carlisle Elem.
Kuhn	Heather	Grade 2	Conger Elem.
Titus	Michala	Math - Grade 4	Conger Elem.
Yinger	Maegan	Grade 2	Conger Elem.
Furgieuele	Amanda	Grade 2	Conger Elem.
Valko	Kristen	Grade 1	Conger Elem.
Reed	Jessica	Grade 3	Conger Elem.
Banaszak	Emily	Grade 1	Conger Elem.
Marshall	Jenny	Math-Grade 5	Conger Elem.
Semancik	Tyler	Grade 1	Conger Elem.
Lemyre	Felicia	Intervention Specialist - Cross Cat	Conger Elem.
Lewis	Tracey	Kindergarten	Conger Elem.
Kloepfer	Alyssa	Intervention Specialist	Conger Elem.
Cummins	Amanda	Grade 3	Conger Elem.
Nieman	Sarah	Kindergarten	Conger Elem.
Talik	Anne	Intervention Specialist	Conger Elem.
Eddy	Raymond	Intervention Specialist	Conger Elem.

Sanecki	Kathryn	Intervention Specialist	Conger Elem.
Lawrence	Rachel	Intervention Specialist	Conger Elem.
Webster	Carol	Grade 1	Conger Elem.
Kolenz	Erika	Kindergarten	Conger Elem.
Willis	Lorena	Intervention Specialist	Conger Elem.
Sandmann	Jordan	Grade 3	Conger Elem.
Carter	Angelina	Grade 3	Schultz Elem.
Larrison	Jennifer	Grade 2	Schultz Elem.
McClen	Christine	Grade 2	Schultz Elem.
Nice	Kirsten	Intervention Specialist	Schultz Elem.
Schwab	Jessica	Grade 3	Schultz Elem.
Vroegop	Tiffany	Grade 4	Schultz Elem.
Wilder	Kristin	Math/Science-Grade 5	Schultz Elem.
Flahive	Denise	Grade 1	Schultz Elem.
Haynes	Stephanie	Grade 3	Schultz Elem.
Walters	Mandy	Kindergarten	Schultz Elem.
Cole	Kirsten	Grade 2	Schultz Elem.
Spalsbury	Bethany	Grade 2	Schultz Elem.
Bracken	Joshua	Kindergarten	Schultz Elem.
Foos	Chelsea	Kindergarten	Schultz Elem.
Wise	Dianna	Grade 3	Schultz Elem.
Troutman	Michael	Grade 2	Schultz Elem.
Hubbard	Emily	Grade 1	Schultz Elem.
Bossick-Skillen	Lauren	Kindergarten	Schultz Elem.
McVeigh	Alyssa	Grade 2	Schultz Elem.
Shaw	Megan	Grade 1	Schultz Elem.
Frim	Lindsey	Grade 1	Schultz Elem.
Calhoun	Heather	Kindergarten	Schultz Elem.
Boles	Kaitlyn	Intervention Specialist	Schultz Elem.
Fuller	Emma	Intervention Specialist	Schultz Elem.
Raspberry	Anna	Intervention Specialist	Schultz Elem.
Sellers	Brittany	Intervention Specialist	Schultz Elem.
Phillips	Angela	Intervention Specialist	Schultz Elem.
Emick-Smith	Chanda	Grade 1	Schultz Elem.
Oquendo	Ariadna	EL	Schultz Elem.
Kutscher	Sarah	Intervention Specialist	Schultz Elem.
Worley	Anna	Grade 3	Schultz Elem.
Rosengarten	Jennifer	Math-Grade 5	Schultz Elem.
Eickhoff	April	Grade 4	Schultz Elem.
Welz	Brittany	Grade 5	Schultz Elem.
Chiles	Jennifer	Grade 1	Smith Elem.

Long-Erickson	Marta	Kindergarten	Smith Elem.
McCue	Paula	Kindergarten	Smith Elem.
Myers	Crystal	Grade 4 - Reading/ELA/Science/ Social Studies	Smith Elem.
Brandum	Michelle	Grade 1	Smith Elem.
Niley	Julia	Intervention Specialist	Smith Elem.
Cruse	Jennifer	Grade 5	Smith Elem.
Cook	Khara	Grade 4	Smith Elem.
Reed	Veronica	Grade 3	Smith Elem.
Keeran	Lauren	Grade 2	Smith Elem.
Bruestle	Renee	Grade 3	Smith Elem.
Hite	Christina	Math/Science/Social Studies-Grade 4	Smith Elem.
Cochran	Paige	Grade 1	Smith Elem.
Williams	Sarah	Grade 2	Smith Elem.
O'Connell	Elizabeth	Intervention Specialist	Smith Elem.
Duncan	Caitlin	Intervention Specialist	Smith Elem.
Gaston	Lindsay	Intervention Specialist	Smith Elem.
Griffin	Sean	Grade 5 - Math/Social Studies	Smith Elem.
Wernert	Samantha	Intervention Specialist	Smith Elem.
Brockett	Michele	Math/Science - Grade 4	Woodward Elem.
Provenzano	Jennifer	Grade 1	Woodward Elem.
Kelly	Elizabeth	Grade 3	Woodward Elem.
Heinonen	Katherine	Grade 2	Woodward Elem.
Oiler	Suzan	Grade 3	Woodward Elem.
Ruen	Melissa	Kindergarten	Woodward Elem.
Pulsifer	Lisa	Intervention Specialist	Woodward Elem.
Ross	Alexa	EL	Woodward Elem.
Krummel	Tiffany	Grade 2	Woodward Elem.
Sexton	Robert	Math-Grade 5	Woodward Elem.
Jacob	Samuel	Intervention Specialist	Woodward Elem.
Nelson	Katherine	Grade 1	Woodward Elem.
Messerall	Noah	Grade 1	Woodward Elem.
Mast	Marissa	Intervention Specialist	Woodward Elem.
Shepard	Lauren	Intervention Specialist	Woodward Elem.
Gagliarducci	Kristin	Grade 3	Woodward Elem.
Greene	Mary	Kindergarten	Woodward Elem.
Kelley	Kristen	Intervention Specialist	Woodward Elem.

Godfrey	Kelly	Intervention Specialist	Woodward Elem.
Day	Jennifer	Gifted	District
Wade	Jill	Gifted	District
Heald	Sarah	Grade 3	Smith
Cramer	Adam	Science/ Social Studies Grade 4	Carlise
Terry	Phillip	Teaching and Learning Coach	District
Mays	Amanda	Teaching and Learning Coach	District

6. I recommend the Board approve a stipend for WILL Foundation Cohort Curriculum work, at \$28.00 per hour for the following individuals:

Name	Not to Exceed	Time Period
Michelle Cotterman	6 hours	6/16/2026 - 8/7/2026
Caitlin Duffy	6 hours	6/16/2026 - 8/7/2026
Terry Lenhart	6 hours	6/16/2026 - 8/7/2026
Jacqueline McMahon	6 hours	6/16/2026 - 8/7/2026
Laura Shaw	6 hours	6/16/2026 - 8/7/2026

7. I recommend the Board approve a stipend for Curriculum work on online content for the 2027-2028 High School Online Courses, at \$28.00 per hour for the following individuals:

Name	Not to Exceed	Time Period
Andrew Branham	20 hours	6/16/2026 - 8/7/2026
Kailah Breece	20 hours	6/16/2026 - 8/7/2026
Garrett Eiben	20 hours	6/16/2026 - 8/7/2026
Laura Frisch	20 hours	6/16/2026 - 8/7/2026
Thomas Hering	20 hours	6/16/2026 - 8/7/2026
Amanda Johnson	20 hours	6/16/2026 - 8/7/2026
Denise Luksic	20 hours	6/16/2026 - 8/7/2026
Jordan Nicol	20 hours	6/16/2026 - 8/7/2026
Angela Thompson	20 hours	6/16/2026 - 8/7/2026
Gregory White	20 hours	6/16/2026 - 8/7/2026

8. I recommend the Board approve a stipend for the following individuals, at their regular per diem rate for Literacy Coaching:

Name	Not to Exceed	Time Period
Lorianne Fitzgerald	3 days	By June 30, 2026
Samantha Forester	3 days	By June 30, 2026
Jennifer Papa	1.5 days	By June 30, 2026
Elizabeth Rieman	3 days	By June 30, 2026
Elisabeth Shirring	3 days	By June 30, 2026

2026-MR-3.3 Donations

I recommend the Board approve and accept the following donations:

Chesrown Chevrolet GMC, monetary, valued at \$25,000, for the purpose of equipment for the Delaware Hayes Athletic Department

2026-MR-4.0 Discussion

2026-MR-4.1 Discussion First Reading of Board Policies as Presented: Exhibit I.1 and Exhibit I.2

po5200	Attendance	Revised
po7540.02	Digital Content and Accessibility	Revised

2026-MR-5.0 Action Items

2026-MR-5.1 Approve Teacher Contract Correction

I recommend the Board approve the following teacher contract correction as presented.
Amanda Costa - 2 Year contract will be changed from a 1-year contract to a 2-year contract.
Individual was originally on the 5/18/2026 agenda for a 1-year contract.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve teacher contract correction as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.2 Approve Tech Services Agreement with META Solutions for Fiscal Year 2026-2027

I recommend the Board approve Tech Services Agreement with META Solutions for Fiscal Year 2026-2027 Agreement in the total amount of \$402,000.00 between Delaware City Schools and META Solutions as presented.

Moved by Mrs. Gasaway, seconded by Ms. Harris to approve Tech Services Agreement with META Solutions as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.3 Approve META Schedule I and Schedule II

I recommend the Board approve the META Schedule I Core Services Summary of Cost and Schedule II Summary of Cost, as part of the 2026-2027 agreement between Delaware City Schools and Meta Solutions as presented.

Moved by Mrs. Buckerfield, seconded by Mrs. Gasaway to approve the META Schedule I Core Services Summary of Cost and Schedule II Summary of Cost, as part of the 2026-2027 agreement between Delaware City Schools and Meta Solutions as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Ms. Harris, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.4 Approve META Master Service Agreement

I recommend the Board approve the META Master Service Agreement as part of the 2026-2027 Agreement between Delaware City Schools and META Solutions as presented.

Moved by Mr. Wiener, seconded by Mrs. Gasaway to approve the META Master Service Agreement as part of the 2026-2027 Agreement between Delaware City Schools and META Solutions as presented.

Roll call resulted as follows: Mr. Wiener, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Ms. Harris, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.5 Approve of Parallel Technologies Inc system proposal for MITEL Phone System and Mitel Support & Software Assurance Agreement

I recommend the Board approve of Parallel Technologies Inc system proposal for additional MITEL Phone System equipment and services and the Mitel Support & Software Assurance Agreement in the total amount of \$277,767.86. This contract is exempt from competitive bidding requirements under ORC 3313.46, the Security and Protection of School Property. Funding will come from Safety Grant and 2019 Bond Proceeds.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve of Parallel Technologies Inc system proposal for additional MITEL Phone System equipment and services and the Mitel Support & Software Assurance Agreement in the total amount of \$277,767.86.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.6 Approve of Parallel Technologies Inc Sales Agreement

I recommend the Board approve of Parallel Technologies Inc Sales Agreement to furnish and install the following telecommunications equipment and services as presented.

Moved by Ms. Harris, seconded by Mr. Wiener to approve of Parallel Technologies Inc Sales Agreement to furnish and install the following telecommunications equipment and services as presented.

Roll call resulted as follows: Ms. Harris, yea; Mr. Wiener, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.7 Approve Renewal of Instructure, Inc

I recommend the Board approve the renewal of Instructure, Inc. for Canvas LMS K-12 Bundled services from July 1, 2026 to June 30, 2027 as presented.

Moved by Mrs. Gasaway, seconded by Ms. Harris to approve the renewal of Instructure, Inc. for Canvas LMS K-12 Bundled services from July 1, 2026 to June Approve Renewal of Heartland Payment Systems

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.8 Approve the renewal of Heartland Payment Systems from August 1, 2026 to July 31, 2027 as presented.

I recommend the Board approve the renewal of Heartland Payment Systems from August 1, 2026 to July 31, 2027 as presented.

Moved by Mrs. Buckerfield, seconded by Ms. Harris to approve the renewal of Heartland Payment Systems from August 1, 2026 to July 31, 2027 as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.9 Approve Renewal of EMIS Linq, LLC

I recommend the Board approve the renewal of EMS Linq, LLC through June 30, 2027 as presented.

Moved by Mrs. Gasaway, seconded by Mr. Wiener to approve the renewal of EMS Linq, LLC through June 30, 2027 as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Mr. Wiener, yea; Mr. Backus, yea; Ms. Harris, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.10 Approve Renewal of Talking Points

I recommend the Board approve the renewal of Talking Points from July 1, 2026 to June 30, 2027 as presented.

Moved by Mr. Wiener, seconded by Ms. Harris to approve the renewal of Talking Points from July 1, 2026 to June 30, 2027 as presented.

Roll call resulted as follows: Mr. Wiener, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.11 Approve ETLA Membership Service Agreement

I recommend the Board approve the EdTech Leaders Alliance (ETLA) district membership service agreement through June 30, 2027 as presented.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve the EdTech Leaders Alliance (ETLA) district membership service agreement through June 30, 2027 as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.12 Approve Contract with New Story Schools For Independent Educational Services for Student A

I recommend the Board approve the agreement with New Story Schools for independent educational services for Student A for the 2026 – 2027 school year as presented.

Moved by Mrs. Gasaway, seconded by Ms. Harris to approve Agreement with New Story Schools for Independent Educational Services Student A as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.13 Approve Contract with New Story Schools For Independent Educational Services for Student B.

I recommend the Board approve the agreement with New Story Schools for independent educational services for Student B for the 2026 – 2027 school year as presented.

Moved by Mrs. Buckerfield, seconded by Ms. Harris to approve Agreement with New Story Schools for Independent Educational Services Student B as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.14 Approve ESY Agreement with Bonner Academy/The Buckeye Ranch for Student A

I recommend the Board approve the ESY Summer Programming with Bonner Academy/The Buckeye Ranch for Seat A from June 10, 2026 to August 7, 2026 as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the ESY Summer Programming with Bonner Academy/The Buckeye Ranch for Student A from June 10, 2026 to August 7, 2026 as presented

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.15 Approve Agreement with Bonner Academy/The Buckeye Ranch for Seat 1

I recommend the Board approve the Seat License Agreement with Bonner Academy/The Buckeye Ranch for Seat 1 for the 2026-2027 school year as presented.

Moved by Mrs. Buckerfield, seconded by Mrs. Gasaway to approve the Seat License Agreement with Bonner Academy/The Buckeye Ranch for Seat 1 for the 2026-2027 school year as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Ms. Harris, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.16 Approve Deaf Services Center Service & Rate Agreement

I recommend the Board approve the agreement with Deaf Services Center for interpreting and/or captioning services from July 1st, 2026 through June 30th, 2027 as presented.

Moved by Mrs. Gasaway, seconded by Ms. Harris to approve the agreement with Deaf Services Center for interpreting and/or captioning services from July 1st, 2026 through June 30th, 2027 as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.17 Approve SESI/High Road Contract for Student H

I recommend the Board approve SESI/High Road Contract for educational services for Student H for the 2025-2026 school year as presented.

Moved by Mrs. Gasaway, seconded by Mrs. Buckerfield to approve SESI/High Road Contract for educational services for Student H for the 2025-2026 school year as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Ms. Harris, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.18 Approve Reach Contract for ESY Educational Placement

I recommend the Board approve the Reach Contract for ESY educational services from June 8, 2026 to July 31, 2026 as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the Reach Contract for ESY educational services from June 8, 2026 to July 31, 2026 as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.19 Approve McKibben & Monte 2026-2027 Contract

I recommend the Board approve the McKibben & Monte Speech and Occupational Therapy services for students at Reach Educational services for the 2026-2027 school year as presented.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve the McKibben & Monte Speech and Occupational Therapy services for students at Reach Educational services for the 2026-2027 school year as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.20 Approve SFSPac Food Service Sanitation and Safety Program Agreement - Exhibit BB

I recommend the Board approve the SFSPac Food Service Sanitation and Safety Program Agreement for Delaware City Schools for the 2026-2027 School year as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the SFSPac Food Service Sanitation and Safety Program Agreement for Delaware City Schools for the 2026-2027 School year as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.21 Approve Purchase of Replacement School Bus

I recommend the Board approve the purchase of two (2) replacement 72-passenger conventional buses from Cardinal Bus Sales, Inc. through the META School Bus Purchase Program in the amount \$290,400.00. Funding for the purchase will come from the permanent improvement fund.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve the purchase of two replacement buses as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.22 Approve Carlisle Fencing

I recommend the Board approve the Carlisle Fencing from Tackett's Fence Service LLC in the amount of \$29,874.00 as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the Carlisle Fencing from Tackett's Fence Service LLC in the amount of \$29,874.00 as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.23 Approve Conger Fencing

I recommend the Board approve the Conger Fencing from Tackett's Fence Service LLC in the amount of \$1,290.00 as presented.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve the Conger Fencing from Tackett's Fence Service LLC in the amount of \$1,290.00 as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.24 Approve Construction for Conger Kindergarten Classroom

I recommend the Board approve the Construction for Conger Kindergarten Classroom as proposed by Preferred Construction Solutions, Inc. in the amount of \$20,863.00 and will be paid for with Permanent Improvement Fund as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the Construction for Conger Kindergarten Classroom as proposed by Preferred Construction Solutions, Inc. in the amount of \$20,863.00 and will be paid for with Permanent Improvement Fund as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.25 Approve Construction for Conger Individual Study Rooms - Exhibit GG

I recommend the Board approve the Construction for Conger Individual Study Rooms as proposed by Preferred Construction Solutions, Inc. in the amount of \$20,214.00 and will be paid for with Permanent Improvement Fund as presented.

Moved by Mrs. Buckerfield, seconded by Ms. Harris to approve the Construction for Conger Individual Study Rooms as proposed by Preferred Construction Solutions, Inc. in the amount of \$20,214.00 and will be paid for with Permanent Improvement Fund as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.26 Approve Korda agreement for Engineering Services for Hayes Skylight

I recommend the Board approve the Korda agreement for engineering services for Hayes skylight as presented.

Moved by Mrs. Gasaway, seconded by Ms. Harris to approve Korda agreement for engineering services for Hayes skylight as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Ms. Harris, yea; Mr. Backus, Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.27 Approve Roof Replacement Project at Schultz Elementary 2019 Addition

I recommend the Board approve the roof replacement project at Schultz Elementary School as proposed by Alumni Roofing Co. INC. in the amount of \$86,000.00 and will be paid for with the 2019 Bond Issue as presented.

Moved by Ms. Harris, seconded by Mrs. Gasaway to approve the roof replacement project at Schultz Elementary School through a bid proposed by Alumni Roofing Co. INC. in the amount of \$86,000.00 and will be paid for with the 2019 Bond Issue as presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Backus, yea; Mr. Wiener, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.28 Approve Roof Replacement Project at Hayes High School

I recommend the Board approve of the roof replacement projects at Hayes High School as proposed by Weatherproofing Technologies, Inc through a bid in the amount of \$1,416,423.32 and will be paid for with the 2019 Bond Issue.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to approve of the roof replacement projects at Hayes High School as proposed by Weatherproofing Technologies, Inc through a bid in the amount of \$1,416,423.32 and will be paid for with the 2019 Bond Issue presented.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.29 Approve Waltz Business Solutions 10 Year Licensing Proposal

I recommend the Board approve Waltz Business Solutions 10 Year Licensing Proposal for Blindspot Camera adds in the amount of \$26,445.35 as presented.

Moved by Mrs. Gasaway, seconded by Mrs. Buckerfield to approve of Waltz Business Solutions 10 Year Licensing Proposal for Blindspot Camera adds in the amount of \$26,445.35 as presented.

Roll call resulted as follows: Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Ms. Harris, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.30 Approve Amended FY 2026 Final Appropriation Resolution and Estimated Resources

Approve FY 2026 Amended Final Appropriation Resolution and Estimated Resources. Be it resolved by the Board of Education of the Delaware City School District, Delaware County, Ohio, that to provide for the current expenses and other expenditures of said Board of Education, during the fiscal year ending June 30, 2026, the following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made and during said fiscal year and to approve the Certificate of Estimated Resources for fiscal year 2026 as presented.

Moved by Mr. Wiener, seconded by Ms. Harris to approve the FY2026 Amended Final Appropriation Resolution and Amended Certificate of Estimated Resources as presented.

Roll call resulted as follows: Mr. Wiener, yea; Ms. Harris, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.31 Approve FY 2027 Estimated Resources and Appropriation Resolution

Approve FY 2027 Estimated Appropriation Resolution and Certificate of Estimated Resources Be it resolved by the Board of Education of the Delaware City School District, Delaware County, Ohio, that to provide for the current expenses and other expenditures of said Board of Education, during the fiscal year ending June 30, 2027, the following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made and during said fiscal year and to approve the Certificate of Estimated Resources for fiscal year 2027 as presented.

Moved by Ms. Harris, seconded by Mr. Wiener to approve the FY2027 Estimated Appropriation Resolution and Amended Certificate of Estimated Resources as presented.

Roll call resulted as follows: Ms. Harris, yea; Mr. Wiener, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.32 Approve Second Reading and Approval of Board Policy

I recommend the Board approve the following Board Policy as presented:

po7541	Electronic Data Processing Disaster Recovery Plan	Rescind
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Moved by Mrs. Buckerfield, seconded by Mr. Wiener to approve the Board Policy as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Mr. Wiener, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Ms. Harris, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-5.33 Approve Waiving of the First Reading and Approval of Board Policies

I recommend the Board approve the waiving of the first reading and approval of Board Policies due to the July 1, 2026 deadline as presented:

po2431	Interscholastic Athletics	Revised
po8300	Continuity of Organizational Operations Plan	Revised
po8305	Information Security	Revised
po7450.09	Artificial Intelligence ("AI")	Replacement

Moved by Mr. Wiener, seconded by Mrs. Buckerfield to approve waiving of the first reading and approval of Board Policies as presented.

Roll call resulted as follows: Mr. Wiener, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Ms. Harris, yea; Ms. Fitzharris, yea.

President Backus declared the motion carried.

2026-MR-6.0 Superintendent Comments

Mr. Pomeroy noted that the number of approvals reflects ongoing district work and expressed appreciation for his colleagues.

2026-MR-7.0 Board Requests

Dates for a Board work session on board norms will be planned.

2026-MR-8.0 Calendar

- June 1 - July 31 - Free summer lunch program at Woodward
- July 23 - Supplies for Scholars at Willis
- August 5 - Supplies for Scholars at Woodward 12-1pm

2026-MR-9.0 Adjournment

Moved by Ms. Harris, seconded by Mrs. Buckerfield to adjourn this meeting.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mr. Backus, yea; Mrs. Gasaway, yea; Mr. Wiener, yea; Ms. Fitzharris, yea.

President Backus declared the meeting adjourned at 8:26 pm.

President

Treasurer

****Denotes student Board member***

Exhibit 1.5



**Delaware City Schools Board of Education
Minutes of Monday, June 29, 2026
Special Meeting
Willis Education Center
6:00 PM**

2026 - MR1.0 Opening

2026 - MR 1.1 Call to Order and Roll Call

Mr. Backus (President) – Not present.
Mrs. Gasaway (Vice-President)
Ms. Harris
Mr. Wiener
Mrs. Buckerfield

2026 - MR1.2 Salute the Flag

2026 - MR 1.3 Adoption of Agenda

It is recommended by the superintendent that the board of education approve this agenda as presented.

Moved by Ms. Harris, seconded by Mr. Wiener to adopt this agenda as presented.

Roll call resulted as follows: Ms. Harris, yea; Mr. Wiener, yea; Mrs. Gasaway, yea; Mrs. Buckerfield, yea.

Vice-President Gasaway declared the motion carried.

2026 - MR2.0 Consent Agenda

It is recommended by the superintendent that the board of education approve the consent items as presented.

Moved by Mrs. Buckerfield, seconded by Ms. Harris to approve the consent items as presented.

Roll call resulted as follows: Mrs. Buckerfield, yea; Ms. Harris, yea; Mrs. Gasaway, yea; Mr. Wiener, yea.

Vice-President Gasaway declared the motion carried.

2026 - MR2.1 Personnel

2026 – MR2.1A Approve Employment

A. Certified

It is recommended by the superintendent that the board of education approve certified employment for the 2026-2027 school year, specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all application records, licensure, and receipt of other necessary documentation:

Name	Building	Position	Salary Scale/Step	Salary	Effective Date
Baisden, Tyra	Schultz	Principal	ADS 2E/6	\$120,838.50	7/27/26
Bruns, Sydney	Schultz	4th Grade Teacher	BA/2	\$52,246.44	8/17/26
Castle, Ethan	Conger	1st Grade Teacher	BA 150/0	\$50,146.18	8/17/26
Coogle, Erika	Carlisle	Intervention Specialist	BA/4	\$56,321.72	8/17/26
Motika, Christina	Carlisle	Intervention Specialist	MA/6	\$69,087.08	8/17/26
Phillips, Onna	Smith	4th Grade ELA Teacher	BA/6	\$60,397.00	8/17/26

2026 – MR2.1B Approve Employment

B. Classified

It is recommended by the superintendent that the board of education approve classified employment for the 2026-2027 school year specifically conditioned on and subject to acceptable background checks, receipt and final administrative review and approval of all

application records, receipt of all other necessary documentation and licensure (if applicable).

Name	Building	Position	Step	Rate of Pay	Start Date
Crumb, Maia	Hayes	Educational Assistant Class I*	2	\$18.97	8/17/26
Dollery, Micah	Dempsey	PE Educational Assistant Class II	1	\$17.89	8/17/26
Faulder, Catherine	Carlisle	Educational Assistant Class II	2	\$18.47	8/17/26
Millet, Blair	Carlisle	Educational Assistant Class II	3	\$19.05	8/17/26
Santiago, Rachel	Dempsey	Educational Assistant Class II	5	\$20.31	8/17/26
Schaber, Holly	Woodward	Unit Educational Assistant Class I*	5	\$20.81	8/17/26
Snyder, Aaliyah	Woodward	PreK Educational Assistant Class I*	3	\$19.55	8/17/26
Vigil, Jennifer	Woodward	Educational Assistant Class I*	1	\$18.39	8/17/26

***Per article 34.2 of OAPSE CBA**

2026 – MR2.1C Approve Resignations

C. Certified

It is recommended by the superintendent that the board of education approve and accept the resignations/retirement of the following individuals:

Name	Building	Position	Last Day of Work
Baisden, Tyra	Schultz	Assistant Principal	6/18/26
Gagliarducci, Kristin	Woodward	3rd Grade Teacher	5/28/26
Kinnick, Marissa	District	School Psychologist	7/31/26
Michael, Cynthia	Dempsey	Literacy Specialist	7/31/26

2026 – MR2.1D Approve Resignations

D. Classified

It is recommended by the superintendent that the board of education approve and accept the resignations/retirement of the following individuals:

Name	Building	Position	Last Day of Work
Maynard, Kathleen	Conger	Educational Assistant	5/27/26

2026 - MR-3.0 Discussion

2026 – MR3.1 District Open Enrollment

- Discussed the current status of district open enrollment, including considering enrollment data, district capacity, fiscal responsibility, and potential policy changes.
- Reviewed application totals, noting 83 approved applications and 28 not approved.
- Staffing needs, district capacity, and communication regarding the open enrollment process were discussed.
- The board will continue its discussion at a future meeting, where enrollment data and policy options for district open enrollment will be reviewed.

2026 – MR3.2 United Way Lease

- The board discussed lease options and future space needs. Operating costs associated with the Willis building, including personnel expenses, security services, and staffing for front entrance coverage was discussed.

2026 – MR4.0 Action Items

2026 – MR4.1 Approve United Way Lease Extension

It is recommended by the superintendent that the board of education approve the United Way Lease extension as presented.

Moved by Mrs. Buckerfield, seconded by Mr. Wiener to approve the United Way Lease extension as presented

Roll call resulted as follows: Mrs. Buckerfield, yea; Mr. Wiener, yea; Mrs. Gasaway, yea; Ms. Harris, yea.

Vice-President Gasaway declared the motion carried.

2026 – MR5.0 Executive Session

I recommend the Board to enter into executive session for the purpose of the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official, or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to enter into executive session for the purpose of considering the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mrs. Gasaway, yea; Mr. Wiener, yea.

Vice-President Gasaway declared the Board in executive session at 6:58pm.

Moved by Ms. Harris, seconded by Mrs. Buckerfield to exit out of executive session for the purpose of considering the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official.

Roll call resulted as follows: Ms. Harris, yea; Mrs. Buckerfield, yea; Mrs. Gasaway, yea; Mr. Wiener, yea.

Vice-President Gasaway declared the Board out of executive session at 8:44 pm.

2026 -MR10.0 Adjournment

Moved by Mrs. Buckerfield, seconded by Mr. Wiener to adjourn this meeting.

Roll call resulted as follows: Mrs. Buckerfield, yea; Mr. Wiener, yea; Mrs. Gasaway, yea; Ms. Harris, yea.

Vice-President Gasaway declared the meeting adjourned at 8:45 pm.

President

Treasurer

Exhibit 4.1

Introduction

Delaware City Schools Technology Course of Study Grades 6-8

Introduction

The Delaware City Schools Technology Course of Study has been aligned to Ohio's Learning Standards for Computer Science for grades 6-8 (2022) and Ohio's Learning Standards for Technology (2025).

Computer science is defined in state law as, "logical reasoning, computing systems, networks and the internet, data and analysis, algorithms and programming, impacts of computing, and structured problem-solving skills applicable in many contexts from science and engineering to the humanities and business." It is a mindset that is based on problem solving, critical and creative thinking and on metacognition. Areas of computer science explored in this course of study include:

- Computing Systems
- Networks and the Internet
- Data and Analysis
- Algorithmic Thinking and Programming
- Artificial Intelligence
- Impacts of Computing

The Ohio Learning Standards for Technology are adopted and adapted from the ISTE standards and serve as a framework for innovation and excellence in learning, teaching and leading. These standards are guidelines for our teachers to base their instruction in the classroom. The Ohio Learning Standards for Technology cover seven key areas:

- Empowered Learner
- Digital Citizen
- Knowledge Constructor
- Innovative Designer
- Computational Thinker
- Creative Communicator
- Global Collaborator

In this Course of Study, we have aligned the two sets of standards, providing our middle school students with technology literacy, while also developing a foundation of computer science principles that will lay the groundwork for ALL students to be prepared for continued learning in their high school years.

Key Vocabulary

The key vocabulary includes terms students in the District should be able to use to articulate their content mastery. Teaching academic vocabulary:

- Involves students in actively developing their understanding of words
- Encourages students to personalize their word learning

- Immerses students in rich language environments that draw their attention to learning words
- Provides students with multiple sources of information to learn words through repeated exposure

Enduring Understandings

The enduring understandings are based on the standards in each focus area. These are built for each grade so that they can be explored with deeper knowledge and understanding each year. This construction allows for critical thinking and analysis of the focus area.

Learner Accessibility

Instructors of the Technology Course of Study will utilize differentiated strategies to teach students in order to meet the needs of all students. Across grade levels, instructors will employ research-based methods to ensure that the Course of Study is accessible to all learners. In Delaware City Schools, we seek to prepare our students for our increasingly tech-driven Ohio economy while empowering all learners to find success in the field of computer science and technology.

Digital Wellness

Digital wellness is a person's pursuit of an intentional and healthy relationship with technology. It refers to the state of one's physical, mental, and emotional health in the context of using digital technology and engaging in online activities. It encompasses the practices and habits that promote a balanced and responsible use of digital tools, focusing on minimizing negative consequences and maximizing the benefits of technology. The DCS Technology Course of Study weaves these concepts throughout grades 6-8 by teaching students to demonstrate and advocate for positive, safe, legal, and ethical habits when using technology and when interacting with others online; and to understand what personal data is and how to keep it private and secure.

Priority vs. Secondary Standards

Priority standards are the standards that are the main focus of the course that represent the overarching goals and essential learning outcomes for the course. Secondary standards are standards that are touched on, but are not a main focus of the course in its current form. Due to the limited length of time in our technology courses in grades 6-8 (9 weeks) we have identified priority standards to focus student learning on key concepts we have deemed important.

6 Grade 6

Technology Course of Study Sixth Grade

Based on Delaware City Schools Board of Education Policy, Ohio Learning Standards for Technology, and Ohio Computer Science Standards

Background on Board of Education Policy:

The following documents outline key elements of the Delaware City Schools Board of Education policy and regarding teaching students expectations for acceptable and safe use of the internet and technology. These expectations should be taught to students during their middle school technology courses.

Reference documents:

- [STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.04](#)
- [STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.03](#)
- [STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY - ag7540.03](#)
- [STAFF AND STUDENT TRAINING REGARDING THE INTERNET-ag7540A](#)
- [ARTIFICIAL INTELLIGENCE \("AI"\) - po7540.09](#)

Background on Ohio Learning Standards for Technology:

Throughout our course of study, we integrate the Ohio Learning Standards for Technology, which are adapted from the International Society for Technology Education (ISTE) Standards for Students. These standards are applied appropriately during the various units during this course of study. These research-backed standards provide a comprehensive framework for effectively using technology to create high-impact, equitable, and sustainable learning experiences. The course will focus on how students learn *with* technology, emphasizing its integration across all content areas and grade levels to foster digital pedagogy and prepare students for academic and workforce success.



Ohio Learning Standards for Technology:

- **Empowered Learner:** Students leverage technology to take an active role in choosing, achieving, and demonstrating competency in their learning goals, informed by the learning sciences.
- **Digital Citizen:** Students recognize the responsibilities and opportunities for contributing to their digital communities, including making safe, legal, and ethical decisions using Artificial Intelligence.
- **Knowledge Constructor:** Students critically curate a variety of resources using digital tools, such as Artificial Intelligence chatbots, to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others.
- **Innovative Designer:** Students use a variety of technologies within a design process to identify and solve problems by creating new, useful, or imaginative solutions.
- **Computational Thinker:** Students develop and employ strategies for understanding and solving problems in ways that leverage the power of technological methods to develop and test solutions.
- **Creative Communicator:** Students communicate clearly and express themselves creatively for a variety of purposes, such as AI prompt engineering, using platforms, tools, styles, formats, and digital media appropriate to their goals.
- **Global Collaborator:** Students use digital tools to broaden their perspectives and enrich their learning by collaborating with others and working effectively in teams locally and globally.

Key Vocabulary:

- Leverage
- Competency
- Digital Citizen
- Ethical
- Curate
- Artifacts
- Innovative
- Computational
- Prompt Engineering
- Collaborating

Enduring Understandings:

- Students will be able to leverage technology to set learning goals, actively work towards achieving them, and demonstrate their understanding in various ways.
- Students will be able to understand their roles and responsibilities within digital communities, including making safe, legal, and ethical choices when using Artificial Intelligence.

- Students will be able to use digital tools, including AI chatbots, to find and evaluate different resources to build their knowledge, create original projects, and design meaningful learning experiences for themselves and others.
- Students will be able to apply a design process using different technologies to identify and solve problems by developing new, practical, or imaginative solutions.
- Students will be able to develop and use strategies for understanding and solving problems by applying technological methods to create and test solutions.
- Students will be able to communicate clearly and express their ideas creatively for different purposes, such as crafting effective AI prompts, using appropriate platforms, tools, styles, formats, and digital media.
- Students will be able to use digital tools to expand their perspectives and improve their learning by working with others effectively in both local and global teams.

Grade 6

Computer Science Priority Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- CS.D.6.a Identify the benefits and limitations of a given computing device's functions (including individual components) to explain how the functions and components work together to create the computing system.
- CS.HS.6.a Identify ways that hardware and software work together as a system to collect and exchange data.
- CS.T.6.a Use a systematic process to identify and evaluate the source of a routine computing problem. Select the best solution to solve the computing problem and communicate the solution to others.

Computer Science Secondary Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- None

Key Vocabulary:

- Benefits
- Limitations
- Computer Device
- Functions
- Components
- Hardware
- Software
- Input
- Output

Enduring Understanding:

- Students will be able to explain how the different parts of a computing device work together, recognizing what each part can and cannot do, to understand how the entire system functions.
- Students will be able to describe the ways that computer hardware and software interact to gather and share information within a system.
- Students will be able to follow a step-by-step method to figure out the cause of common computer issues, choose the most effective way to fix them, and clearly explain the solution to someone else.

Computer Science Priority Standard(s):

Computing Systems – Networks and the Internet

- NI.N.6.a Identify the role of hardware components to understand the infrastructure of networks and the internet (including cloud servers).
- NI.C.6.a Identify cybersecurity concerns and measures needed to protect electronic information.
- NI.C.6.b Identify the different types of malware to understand threats to data security.
- NI.C.6.c Identify ways to protect private information.

Computer Science Secondary Standard(s):

Computing Systems – Networks and the Internet

- NI.N.6.b Identify protocols (i.e., rules) and explain why they are used to transmit data across networks and the internet.
- NI.IOT.6.a Define and explore aspects of embedded devices, smart devices and intelligent devices and the way they record, observe and mimic human habits.
- NI.IOT.6.b Identify and define blockchains to recognize how every device made has unique identifiers and the weaknesses that allow programmers and hackers to see personally identifiable information.

Key Vocabulary:

- Malware
- Spyware
- Ransomware
- Trojan Horse
- Virus
- Adware
- Worms

Enduring Understanding:

- Students will be able to articulate how different hardware components work together to create the networks and internet we rely on, including the concept of cloud servers.
- Students will be able to recognize potential cybersecurity risks and understand the importance of implementing protective measures for digital information.
- Students will be able to distinguish between various types of malware and grasp the threats they pose to the security of data.
- Students will be able to determine and apply methods for safeguarding their personal information in the digital world.

Computer Science Priority Standard(s):

Computing Systems – Data and Analysis

- DA.DCS.6.a Identify and use an appropriate digital data collection tool to compile information.
- DA.IM.6.a Identify and utilize data sets to support or refute a hypothesis.

Computer Science Secondary Standard(s):

Computing Systems – Data and Analysis

- DA.DCS.6.b Select and utilize appropriate file formats to organize collected data.
- DA.DCS.6.c Utilize a file structure to logically organize data to support individual and collaborative work.
- DA.VC.6.a Identify and label patterns in models or representations to infer connections between data sets.
- DA.VC.6.b Create a spreadsheet utilizing formulas, functions and graphs to represent and analyze data.

Key Vocabulary:

- Data
- Digital data collection tool
- File format
- File structure
- Pattern
- Model
- Data set
- Spreadsheet
- Formulas
- Graphs

Enduring Understanding:

- Students will be able to select and effectively use a suitable digital tool to gather and organize information.
- Students will be able to examine and work with data sets to evaluate the validity of a proposed hypothesis.

Computer Science Priority Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- ATP.A.6.a Compare and refine multiple algorithms for the same task to determine which is the most efficient. Variables and Data Representation
- ATP.VDR.6.a Identify unknown values that need to be represented by a variable within a multi-step process.
- ATP.VDR.6.b Create variables and use them within a multi-step process.
- ATP.CS.6.a Identify and trace decisions and loops that exist in a multi-step process within a program.
- ATP.M.6.a Decompose problems into parts to facilitate the design, implementation and review of programs.
- ATP.PD.6.a Write code that utilizes algorithms, variables and control structures to solve problems or as a creative expression.
- ATP.PD.6.b Test and trace to debug and refine code.

Computer Science Secondary Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- None

Key Vocabulary:

- Algorithm
- Coding
- Loops
- Bugs
- Debugging
- Variable
- Conditional

Enduring Understanding:

- Students will be able to analyze and compare different algorithms designed to accomplish the same task, judging their efficiency.
- Students will be able to pinpoint the unknown quantities in a multi-step procedure that requires representation using variables.
- Students will be able to define and effectively incorporate variables within a multi-step process.
- Students will be able to locate and follow the flow of decisions and loops within the steps of a program.
- Students will be able to break down complex problems into smaller, manageable components to aid in program design, development, and review.
- Students will be able to develop code that integrates algorithms, variables, and control structures to solve problems or express creativity.
- Students will be able to systematically test and trace code execution to identify and correct errors, leading to improved program functionality.

Computer Science Priority Standard(s):*Computing Systems – Artificial Intelligence*

- AI.ML.6.a Contrast the unique characteristics of human learning with the ways machine learning systems operate to identify the limitations of machine learning.
- AI.ML.6.b Illustrate the structure of a neural network to describe how its parts form a set of functions that compute an output.
- AI.NI.6.b Identify and describe how computers mimic human behavior to better serve humans.

Computer Science Secondary Standard(s):*Computing Systems – Artificial Intelligence*

- AI.P.6.a Give examples of different types of computer perception that can extract meaning from sensory signals to understand how computers collect information from sensors.
- AI.P.6.b Give examples of how humans combine information from multiple modalities to understand how computers use sensors to collect data.
- AI.P.6.c Give examples of different types of computer perception that can extract meaning from sensory signals to show the connection between sensors and computer perception.
- AI.P.6.d Classify a given image (e.g., "traffic scene", "nature scene", "social gathering", etc.) and then describe the kinds of knowledge a computer would need in order to understand scenes of this type to utilize the image in an algorithm.
- AI.RR.6.a Illustrate how a computer can solve a maze, find a route on a map or reason about concepts in a knowledge graph by drawing a search tree.
- AI.NI.6.a Individually and collaboratively compare language processing algorithms to solve a problem based on a given criteria (e.g., time, resource, accessibility).
- AI.SI.6.a Identify and explain how humans have control in curating training datasets to identify bias in machine learning.
- AI.SI.6.b Identify and explain how algorithmic bias impacts artificial intelligence systems to prevent bias in future datasets.

Key Vocabulary:

- Artificial Intelligence
- Machine Learning
- Deep Learning
- Perception
- Sensory signals
- Sensors
- Modalities
- Classify
- Algorithm
- Search tree
- Neural network
- Language processing
- Algorithmic bias

Enduring Understanding:

- Students will be able to distinguish the distinct features of human learning from the operational methods of machine learning systems, thereby recognizing the inherent limitations of machine learning.
- Students will be able to depict the architecture of a neural network to explain how its individual components collectively perform functions to generate an output.
- Students will be able to identify and explain the ways in which computers are designed to emulate human behavior with the goal of providing enhanced services to humans.

Computer Science Priority Standard(s):*Computing Systems – Impacts of Computing*

- IC.Cu.6.a Identify the change that current technologies have on people's everyday activities to understand the impact within a society.
- IC.Cu.6.b Identify issues of bias and accessibility in the design of existing technologies to address equality and equity in society.
- IC.Cu.6.c Identify and explore careers related to the field of computer science.
- IC.SI.6.a Analyze and present beneficial and harmful effects of electronic communications to understand their impacts on interpersonal, global, economic, political, business and cultural interactions.
- IC.SLE.6.b Identify the social and economic implications of privacy in the context of safety, law or ethics to understand how privacy impacts these areas.
- IC.SLE.6.e Differentiate between the appropriate and inappropriate content on the internet and identify unethical and illegal online behavior.

Computer Science Secondary Standard(s):*Computing Systems – Impacts of Computing*

- IC.SLE.6.a Describe tradeoffs between allowing information to be public and keeping information private and secure to inform decision-making.
- IC.SLE.6.c Evaluate the development of new technologies in communication, entertainment and business to understand the impact.
- IC.SLE.6.d Provide appropriate credit when using resources or artifacts that are not our own.

Key Vocabulary:

- Technologies
- Bias
- Accessibility
- Equality
- Equity
- Electronic communications
- Privacy
- Secure
- Implications
- Unethical

Enduring Understanding:

- Students will be able to recognize how current technologies have altered people's daily routines to grasp their broader societal impact.
- Students will be able to identify instances of bias and accessibility challenges in the design of current technologies to promote fairness and equality within society.
- Students will be able to recognize and investigate various career paths associated with the field of computer science.
- Students will be able to analyze and present both the positive and negative consequences of electronic communication to comprehend their influence on interpersonal, global, economic, political, business, and cultural interactions.

- Students will be able to recognize the social and economic ramifications of privacy in relation to safety, law, and ethics to understand privacy's impact in these domains.
- Students will be able to distinguish between suitable and unsuitable online content and identify unethical and illegal online conduct.

END Sixth Grade Technology Course of Study

7 Grade 7

Technology Course of Study Seventh Grade

Based on Delaware City Schools Board of Education Policy, Ohio Learning Standards for Technology, and Ohio Computer Science Standards

Background on Board of Education Policy:

The following documents outline key elements of the Delaware City Schools Board of Education policy and regarding teaching students expectations for acceptable and safe use of the internet and technology. These expectations should be taught to students during their middle school technology courses.

Reference documents:

- [STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.04](#)
- [STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.03](#)
- [STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY - ag7540.03](#)
- [STAFF AND STUDENT TRAINING REGARDING THE INTERNET-ag7540A](#)
- [ARTIFICIAL INTELLIGENCE \("AI"\) - po7540.09](#)

Background on Ohio Learning Standards for Technology:

Throughout our course of study, we integrate the Ohio Learning Standards for Technology, which are adapted from the International Society for Technology Education (ISTE) Standards for Students. These standards are applied appropriately during the various units during this course of study. These research-backed standards provide a comprehensive framework for effectively using technology to create high-impact, equitable, and sustainable learning experiences. The course will focus on how students learn *with* technology, emphasizing its integration across all content areas and grade levels to foster digital pedagogy and prepare students for academic and workforce success.



Ohio Learning Standards for Technology:

- **Empowered Learner:** Students leverage technology to take an active role in choosing, achieving, and demonstrating competency in their learning goals, informed by the learning sciences.
- **Digital Citizen:** Students recognize the responsibilities and opportunities for contributing to their digital communities, including making safe, legal, and ethical decisions using Artificial Intelligence.
- **Knowledge Constructor:** Students critically curate a variety of resources using digital tools, such as Artificial Intelligence chatbots, to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others.
- **Innovative Designer:** Students use a variety of technologies within a design process to identify and solve problems by creating new, useful, or imaginative solutions.
- **Computational Thinker:** Students develop and employ strategies for understanding and solving problems in ways that leverage the power of technological methods to develop and test solutions.
- **Creative Communicator:** Students communicate clearly and express themselves creatively for a variety of purposes, such as AI prompt engineering, using platforms, tools, styles, formats, and digital media appropriate to their goals.
- **Global Collaborator:** Students use digital tools to broaden their perspectives and enrich their learning by collaborating with others and working effectively in teams locally and globally.

Key Vocabulary:

- Leverage
- Competency
- Digital Citizen
- Ethical
- Curate
- Artifacts
- Innovative
- Computational
- Prompt Engineering
- Collaborating

Enduring Understandings:

- Students will be able to leverage technology to set learning goals, actively work towards achieving them, and demonstrate their understanding in various ways.
- Students will be able to understand their roles and responsibilities within digital communities, including making safe, legal, and ethical choices when using Artificial Intelligence.

- Students will be able to use digital tools, including AI chatbots, to find and evaluate different resources to build their knowledge, create original projects, and design meaningful learning experiences for themselves and others.
- Students will be able to apply a design process using different technologies to identify and solve problems by developing new, practical, or imaginative solutions.
- Students will be able to develop and use strategies for understanding and solving problems by applying technological methods to create and test solutions.
- Students will be able to communicate clearly and express their ideas creatively for different purposes, such as crafting effective AI prompts, using appropriate platforms, tools, styles, formats, and digital media.
- Students will be able to use digital tools to expand their perspectives and improve their learning by working with others effectively in both local and global teams.

Technology Course of Study Grade 7

Based on Delaware City Schools Board of Education Policy, Ohio Learning Standards for Technology, and Ohio Computer Science Standards

Background on Board of Education Policy:

The following documents outline key elements of the Delaware City Schools Board of Education policy and regarding teaching students expectations for acceptable and safe use of the internet and technology. These expectations should be taught to students during their middle school technology courses.

Reference documents:

- [STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.04](#)
- [STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY - po7540.03](#)
- [STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY - ag7540.03](#)
- [STAFF AND STUDENT TRAINING REGARDING THE INTERNET-ag7540A](#)

Background on Ohio Learning Standards for Technology:

Throughout our course of study, we integrate the Ohio Learning Standards for Technology, which are adapted from the International Society for Technology Education (ISTE) Standards for Students. These standards are applied appropriately during the various units during this course of study. These research-backed standards provide a comprehensive framework for effectively using technology to create high-impact, equitable, and sustainable learning experiences. The course will focus on how students learn *with* technology, emphasizing its integration across all content areas and grade levels to foster digital pedagogy and prepare students for academic and workforce success.



Ohio Learning Standards for Technology:

- **Empowered Learner:** Students leverage technology to take an active role in choosing, achieving, and demonstrating competency in their learning goals, informed by the learning sciences.
- **Digital Citizen:** Students recognize the responsibilities and opportunities for contributing to their digital communities, including making safe, legal, and ethical decisions using Artificial Intelligence.
- **Knowledge Constructor:** Students critically curate a variety of resources using digital tools, such as Artificial Intelligence chatbots, to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others.
- **Innovative Designer:** Students use a variety of technologies within a design process to identify and solve problems by creating new, useful, or imaginative solutions.
- **Computational Thinker:** Students develop and employ strategies for understanding and solving problems in ways that leverage the power of technological methods to develop and test solutions.
- **Creative Communicator:** Students communicate clearly and express themselves creatively for a variety of purposes, such as AI prompt engineering, using platforms, tools, styles, formats, and digital media appropriate to their goals.
- **Global Collaborator:** Students use digital tools to broaden their perspectives and enrich their learning by collaborating with others and working effectively in teams locally and globally.

Key Vocabulary:

- Leverage
- Competency
- Digital Citizen
- Ethical
- Curate
- Artifacts
- Innovative
- Computational
- Prompt Engineering
- Collaborating

Enduring Understandings:

- Students will be able to leverage technology to set learning goals, actively work towards achieving them, and demonstrate their understanding in various ways.
- Students will be able to understand their roles and responsibilities within digital communities, including making safe, legal, and ethical choices when using Artificial Intelligence.

- Students will be able to use digital tools, including AI chatbots, to find and evaluate different resources to build their knowledge, create original projects, and design meaningful learning experiences for themselves and others.
- Students will be able to apply a design process using different technologies to identify and solve problems by developing new, practical, or imaginative solutions.
- Students will be able to develop and use strategies for understanding and solving problems by applying technological methods to create and test solutions.
- Students will be able to communicate clearly and express their ideas creatively for different purposes, such as crafting effective AI prompts, using appropriate platforms, tools, styles, formats, and digital media.
- Students will be able to use digital tools to expand their perspectives and improve their learning by working with others effectively in both local and global teams.

Computer Science Priority Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- CS.T.7.a Use a systematic process to identify and evaluate the source of a routine computing problem. Select the best solution to solve the computing problem and communicate the solution to others.

Computer Science Secondary Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- CS.D.7.a Develop and implement a process to evaluate existing computing devices capabilities based on personal interaction with the device.
- CS.HS.7.a Evaluate hardware and software combinations used to accomplish a task.

Key Vocabulary:

- Computing devices
- Capabilities
- Evaluate
- Hardware
- Software
- Systematic
- Source
- Solution

Enduring Understanding:

- Students will be able to evaluate the capabilities of existing computing devices based on their own interactions.
- Students will be able to analyze and judge different hardware and software combinations to determine their effectiveness for specific tasks.
- Students will be able to systematically identify, evaluate, and solve common computing problems, and clearly explain the solution.

Computer Science Priority Standard(s):

Computing Systems – Networks and the Internet

- NI.N.7.a Explain the role of hardware components and diagram the infrastructure of networks and the internet (including cloud servers).
- I.N.7.b Explain the protocols (i.e., rules) and why they are used to transmit data across networks and the internet.

Computer Science Secondary Standard(s):

Computing Systems – Networks and the Internet

- NI.C.7.a Identify and apply introductory methods of encryption to model the secure transmission of information.
- NI.C.7.b Describe the types of malware to show how malware affects information.
- NI.C.7.c Identify cybersecurity concerns and measures needed to protect electronic information.
- NI.IOT.7.a Explain the positive and negative impacts of IoT as it applies to daily life and create ways to mitigate the negative impacts on society.

Key Vocabulary:

- Networks
- Hardware
- Internet
- Protocols
- Data Transmission
- Encryption
- Malware
- Cybersecurity
- Cloud Servers
- IoT (Internet of Things)

Enduring Understanding:

- Students will be able to explain the function of hardware components and illustrate how networks and the internet, including cloud servers, are structured.
- Students will be able to explain the rules (protocols) that govern data transmission across networks and the internet and understand why they are necessary.
- Students will be able to recognize and use basic encryption methods to demonstrate how information can be sent securely.
- Students will be able to describe different types of malware and explain how they can impact information.
- Students will be able to identify risks to electronic information and the measures needed to protect it.
- Students will be able to explain the advantages and disadvantages of the Internet of Things (IoT) in everyday life and propose solutions to reduce its negative effects on society.

Computer Science Priority Standard(s):

Computing Systems – Data and Analysis

- DA.VC.7.b Create a spreadsheet utilizing formulas, functions and graphs to represent and analyze data.
- DA.IM.7.a Create and analyze models and simulations to accurately hypothesize a real-world situation.
- DA.VC.7.a Communicate relations between data sets to interpret results.

Computer Science Secondary Standard(s):

Computing Systems – Data and Analysis

- DA.DCS.7.a Compare and contrast digital data collection tools to make them more useful and reliable.
- DA.DCS.7.b Evaluate various file formats to understand data storage capabilities.
- DA.DCS.7.c Create a logical file structure to organize data to support individual and collaborative work.

Key Vocabulary:

- Digital Data
- Data Collection
- File Formats
- Data Storage
- File Structure
- Data Sets
- Spreadsheet
- Formulas
- Graphs
- Data Analysis

Enduring Understanding:

- Students will be able to compare and contrast different digital tools for collecting data to improve their usefulness and reliability.
- Students will be able to evaluate various file formats to understand their capabilities for storing data.
- Students will be able to create an organized system for files to manage data effectively for themselves and when working with others.
- Students will be able to explain the relationships between different sets of data to understand what the data means.
- Students will be able to use spreadsheets to perform calculations and visualize data using formulas, functions, and graphs for analysis.
- Students will be able to build and examine models or simulations to make educated guesses about real-world scenarios.

Computer Science Priority Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- ATP.PD.7.a Write code that utilizes algorithms, variables and control structures to solve problems or as a creative expression.
- ATP.M.7.a Decompose problems into parts to facilitate the design, implementation and review of increasingly complex programs.
- ATP.A.7.a Select and modify pseudocode for a multi-step process to solve a problem.

Computer Science Secondary Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- ATP.CS.7.a Use and apply decisions and loops in a program to solve a problem.
- ATP.PD.7.c Identify procedures that utilize parameters.
- ATP.VDR.7.a Use test cases to trace variable values to determine the result
- ATP.PD.7.b Test, trace and debug to refine code.

Key Vocabulary:

- Pseudocode
- Algorithm
- Variable
- Control Structures
- Procedures
- Parameters
- Test Cases
- Debugging
- Decompose
- Program

Enduring Understanding:

- Students will be able to choose and adapt descriptive steps (pseudocode) to solve multi-step problems.
- Students will be able to use examples (test cases) to follow how values change in a program and determine the final outcome.
- Students will be able to incorporate conditional statements and repetition (loops) in programs to solve problems.
- Students will be able to break down complex problems into smaller pieces to help design, build, and review more complicated programs.
- Students will be able to write code using step-by-step instructions (algorithms), placeholders for information (variables), and structures that control program flow (control structures) to solve problems or express ideas creatively.
- Students will be able to check, follow the execution of, and fix errors in their code.
- Students will be able to recognize parts of code (procedures) that accept specific inputs (parameters).

Computer Science Priority Standard(s):*Computing Systems – Artificial Intelligence*

- AI.ML.7.a Model how unsupervised learning finds patterns in unlabeled data to identify how machine learning takes place.
- AI.SI.7.a Identify and explain the effect training data has on the accuracy of an artificial intelligence system to uncover bias in training data.
- AI.SI.7.b Identify and explain the problems of classification in the supervised artificial intelligence context to create data sets that are inclusive and accurate.
- AI.P.7.b Describe how edge detectors can be composed to form more complex feature detectors, e.g., for letters or shapes.
- AI.P.7.c Illustrate the concept of feature extraction from images by simulating an edge detector.
- AI.NI.7.a Curate a dataset to train a language-processing algorithm to create a program that incorporates voice commands.
- AI.NI.7.b Identify the components of a chatbot and explain how each component contributes to the chatbot's human-like responses.

Computer Science Secondary Standard(s):*Computing Systems – Artificial Intelligence*

- AI.P.7.a Give examples of how intelligent agents combine information from multiple sensors to react to an input.
- AI.RR.7.a Compare several algorithms that could be used to solve a specific type of reasoning problem.
- AI.ML.7.b Create a dataset for training a decision tree classifier or predictor to explore the impact that different feature encodings have on the decision tree.

Key Vocabulary:

- Artificial Intelligence (AI)
- Intelligent Agents
- Sensors
- Edge Detector
- Feature Detection
- Algorithm
- Machine Learning
- Datasets
- Training Data
- Chatbot
- Bias
- Classifier
- Predictor

Enduring Understanding:

- Students will be able to give examples of how smart systems (intelligent agents) use information from multiple sensors to respond to inputs.
- Students will be able to describe how simple detectors (edge detectors) can be combined to recognize more complex features like letters or shapes.

- Students will be able to demonstrate how computers find important details (feature extraction) in images by simulating how an edge detector works.
- Students will be able to compare different approaches (algorithms) that could be used to solve a specific type of logic problem.
- Students will be able to model how computers find patterns in data without being told what to look for (unsupervised learning) to understand how machine learning happens.
- Students will be able to create a collection of data to train a system (decision tree) that makes predictions or classifications, and explore how organizing the data differently affects the system.
- Students will be able to prepare a collection of data to train a system that understands language and use it to build a program that responds to voice commands.
- Students will be able to identify the parts of a chatbot and explain how each part helps the chatbot create responses that seem human-like.
- Students will be able to identify and explain how the data used for training affects the accuracy of an artificial intelligence system, revealing potential unfairness (bias) in the data.
- Students will be able to identify and explain challenges in sorting information into categories in supervised artificial intelligence and create data sets that are fair and correct.

Computer Science Priority Standard(s):

Computing Systems – Impacts of Computing

- IC.Cu.7.b Evaluate various technologies to identify issues of bias and accessibility.
- IC.SI.7.a Analyze and present beneficial and harmful effects of electronic communications to understand their impacts on interpersonal, global, economic, political, business and cultural interactions.
- IC.SLE.7.a Describe tradeoffs between allowing information to be public and keeping information private and secure to inform decision-making.
- IC.SLE.7.c Evaluate the development of new technologies in communication, entertainment and business to understand the impact.
- IC.SLE.7.d Provide appropriate credit when using resources or artifacts that are not our own.
- IC.SLE.7.e Explain the connection between the longevity of data on the internet, personal online identity and personal privacy.

Computer Science Secondary Standard(s):

Computing Systems – Impacts of Computing

- IC.Cu.7.a Compare current technologies from the present to the past to evaluate the effect on people's everyday activities.
- IC.Cu.7.c Identify and explore careers related to the field of computer science.
- IC.Cu.7.d Explain how computing impacts innovation in other fields.
- IC.SLE.7.b Identify the social and economic implications of privacy in the context of safety, law or ethics to understand how privacy impacts these areas.

Key Vocabulary:

- Technology
- Innovation
- Bias
- Accessibility
- Electronic Communications
- Impacts
- Privacy
- Ethics
- Online Identity
- Crediting Sources

Enduring Understanding:

- Students will be able to compare how technologies have changed over time and evaluate their impact on people's daily lives.
- Students will be able to evaluate different technologies to identify potential issues of unfairness (bias) and usability for everyone (accessibility).
- Students will be able to identify and investigate various job opportunities within the field of computer science.
- Students will be able to explain how computing drives new ideas and developments in areas outside of computer science.

- Students will be able to analyze and present the positive and negative consequences of using electronic communication to understand its effects on how people interact with each other, globally, economically, politically, in business, and culturally.
- Students will be able to describe the compromises involved in choosing between sharing information publicly and keeping it private and secure, in order to make informed decisions.
- Students will be able to identify how privacy affects society and the economy in terms of safety, laws, and ethical considerations.
- Students will be able to evaluate the development of new technologies in communication, entertainment, and business to understand their overall impact.
- Students will be able to give proper acknowledgement when using materials or creations that belong to others.
- Students will be able to explain how long data lasts on the internet is connected to their online identity and personal privacy.

END Seventh Grade Technology Course of Study

8 Grade 8

Technology Course of Study Eighth Grade

Based on Delaware City Schools Board of Education Policy, Ohio Learning Standards for Technology, and Ohio Computer Science Standards

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- [STAFF AND STUDENT TRAINING REGARDING THE INTERNET-ag7540A](#)
- [ARTIFICIAL INTELLIGENCE \("AI"\) - po7540.09](#)

Background on Ohio Learning Standards for Technology:

Throughout our course of study, we integrate the Ohio Learning Standards for Technology, which are adapted from the International Society for Technology Education (ISTE) Standards for Students. These standards are applied appropriately during the various units during this course of study. These research-backed standards provide a comprehensive framework for effectively using technology to create high-impact, equitable, and sustainable learning experiences. The course will focus on how students learn *with* technology, emphasizing its integration across all content areas and grade levels to foster digital pedagogy and prepare students for academic and workforce success.



Ohio Learning Standards for Technology:

- **Empowered Learner:** Students leverage technology to take an active role in choosing, achieving, and demonstrating competency in their learning goals, informed by the learning sciences.
- **Digital Citizen:** Students recognize the responsibilities and opportunities for contributing to their digital communities, including making safe, legal, and ethical decisions using Artificial Intelligence.
- **Knowledge Constructor:** Students critically curate a variety of resources using digital tools, such as Artificial Intelligence chatbots, to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others.
- **Innovative Designer:** Students use a variety of technologies within a design process to identify and solve problems by creating new, useful, or imaginative solutions.
- **Computational Thinker:** Students develop and employ strategies for understanding and solving problems in ways that leverage the power of technological methods to develop and test solutions.
- **Creative Communicator:** Students communicate clearly and express themselves creatively for a variety of purposes, such as AI prompt engineering, using platforms, tools, styles, formats, and digital media appropriate to their goals.
- **Global Collaborator:** Students use digital tools to broaden their perspectives and enrich their learning by collaborating with others and working effectively in teams locally and globally.

Key Vocabulary:

- Leverage
- Competency
- Digital Citizen
- Ethical
- Curate
- Artifacts
- Innovative
- Computational
- Prompt Engineering
- Collaborating

Enduring Understandings:

- Students will be able to leverage technology to set learning goals, actively work towards achieving them, and demonstrate their understanding in various ways.
- Students will be able to understand their roles and responsibilities within digital communities, including making safe, legal, and ethical choices when using Artificial Intelligence.

- Students will be able to use digital tools, including AI chatbots, to find and evaluate different resources to build their knowledge, create original projects, and design meaningful learning experiences for themselves and others.
- Students will be able to apply a design process using different technologies to identify and solve problems by developing new, practical, or imaginative solutions.
- Students will be able to develop and use strategies for understanding and solving problems by applying technological methods to create and test solutions.
- Students will be able to communicate clearly and express their ideas creatively for different purposes, such as crafting effective AI prompts, using appropriate platforms, tools, styles, formats, and digital media.
- Students will be able to use digital tools to expand their perspectives and improve their learning by working with others effectively in both local and global teams.

Grade 8

Computer Science Priority Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- CS.HS.8.a Design projects that combine hardware and software components that could complete a task.

Computer Science Secondary Standard(s):

Computing Systems – Devices, Hardware and Software, and Troubleshooting

- CS.D.8.a Evaluate the advantages and limitations of existing computing devices to recommend design improvements based on analysis of how users interact with the device.
- CS.T.8.a Use a systematic process to identify and evaluate the source of a routine computing problem. Select the best solution to solve the computing problem and communicate the solution to others.

Key Vocabulary:

- Computing Device
- Hardware
- Software
- User Interaction
- Design
- Problem-Solving
- Systematic Process
- Evaluate
- Solution
- Communicate

Enduring Understanding:

- Students will be able to evaluate the strengths and weaknesses of existing computing devices and propose design changes based on how people use them.
- Students will be able to design projects that integrate both hardware and software components to achieve a specific task.
- Students will be able to use a systematic process to pinpoint and assess the source of common computing issues, choose the most effective solution, and clearly explain it to others.

Computer Science Priority Standard(s):*Computing Systems – Networks and the Internet*

- NI.N.8.b Model protocols (i.e., rules) and explain why they are used to transmit data across networks and the internet.
- NI.N.8.a Model the role of hardware components to diagram the infrastructure of networks and the internet (including cloud servers).

Computer Science Secondary Standard(s):*Computing Systems – Networks and the Internet*

- NI.N.8.c Explain how a system responds when information is lost to understand the effect it has on the transferred information.
- NI.C.8.a Explain how physical and digital security measures are used to protect electronic information.
- NI.C.8.b Compare and contrast the effects of different types of malware to determine strategies for how to protect devices.
- NI.C.8.c Compare and contrast examples of various threat actors, such as nation-states, cyber terrorist groups, organized crime or hacktivists.
- NI.C.8.d Explore and differentiate examples of complex encryption methods, e.g., Vigenère, Bacon's cipher and Enigma.
- NI.IOT.8.a Explore career pathways related to IoT to identify careers associated with the computer science field.
- NI.IOT.8.b Model the lifecycle of information in the IoT including data gathering, transmission, reception and analysis to recreate a real world scenario.

Key Vocabulary:

- Networks
- Protocols
- Data Transmission
- Cloud Servers
- Encryption
- Malware
- Cybersecurity
- Threat Actors
- Physical Security
- IoT (Internet of Things)

Enduring Understanding:

- Students will be able to create models demonstrating the role of hardware components and illustrate the structure of networks and the internet, including cloud servers.
- Students will be able to model and explain the rules (protocols) that govern how data is sent across networks and the internet.
- Students will be able to explain how a system behaves when data is lost and understand the impact this has on the transferred information.
- Students will be able to explain how both physical security measures and digital security measures are used to safeguard electronic information.

- Students will be able to compare the effects of different types of malicious software (malware) to determine effective strategies for protecting devices.
- Students will be able to compare and contrast examples of different groups or individuals who pose cyber threats, such as those linked to countries, cyber terrorism, organized crime, or political activism.
- Students will be able to investigate and distinguish between examples of more complex encryption methods like Vigenère, Bacon's cipher, and Enigma.
- Students will be able to explore job paths related to the Internet of Things (IoT) to identify careers within the computer science field.
- Students will be able to model the journey of information within the Internet of Things, including how data is collected, sent, received, and analyzed, to simulate real-world situations.

Computer Science Priority Standard(s):

Computing Systems – Data and Analysis

- DA.IM.8.a Create and analyze models and simulations to accurately hypothesize a real-world situation.

Computer Science Secondary Standard(s):

Computing Systems – Data and Analysis

- DA.DCS.8.a Interpret digital data collection tools to manage information effectively.
- DA.DCS.8.b Identify data storage systems to define how data is stored and accessed.
- DA.DCS.8.c Create a logical file structure to organize data in different storage systems to support individual and collaborative work.
- DA.VC.8.a Evaluate data to construct a model or representation.
- DA.VC.8.b Create a spreadsheet utilizing formulas, functions and graphs to represent and analyze data.

Key Vocabulary:

- Digital Data
- Data Collection
- Data Storage Systems
- File Structure
- Information Management
- Evaluate
- Spreadsheet
- Formulas
- Functions
- Models

Enduring Understanding:

- Students will be able to understand and use digital tools for collecting data to manage information effectively.
- Students will be able to identify systems for storing data and explain how data is kept and accessed within them.
- Students will be able to create organized structures for files across various storage systems to support working alone and with others.
- Students will be able to evaluate data to build a model or visual representation.
- Students will be able to use spreadsheets to perform calculations and visualize data using formulas, functions, and graphs for analysis.
- Students will be able to build and examine models or simulations to make educated guesses about real-world scenarios.

Computer Science Priority Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- **ATP.PD.8.a Write code that utilizes algorithms, variables and control structures to solve problems or as a creative expression.**
- **ATP.PD.8.c Use procedures that utilize parameters to pass values.**

Computer Science Secondary Standard(s):*Computing Systems – Algorithmic Thinking and Programming*

- ATP.A.8.a Create multiple pseudocode to solve a multi-step process and justify the most efficient solution.
- ATP.VDR.8.a Analyze test cases and determine the range of valid solutions.
- ATP.VDR.8.b Use a data structure to represent a collection.
- ATP.CS.8.a Use and apply decisions and loops in a program to solve a problem.
- ATP.M.8.a Decompose problems and subproblems into parts to facilitate the design, implementation and review of complex programs.
- ATP.PD.8.b Systematically test and refine programs using a range of test cases.

Key Vocabulary:

- Pseudocode
- Algorithm
- Valid
- Variable
- Control Structures
- Procedures
- Parameters
- Test Cases
- Data Structure
- Decomposition
- Efficiency
- Systematically

Enduring Understanding:

- Students will be able to create several descriptive outlines (pseudocode) for a multi-step process and explain why one solution is the most effective.
- Students will be able to analyze examples (test cases) and determine the acceptable boundaries for correct outcomes.
- Students will be able to use organized ways of storing related data (data structures) to represent groups of information.
- Students will be able to incorporate conditional statements and repetition (loops) in programs to solve problems.
- Students will be able to break down problems and their components into smaller parts to help design, build, and review complex programs.
- Students will be able to write code using step-by-step instructions (algorithms), placeholders for information (variables), and structures that control program flow (control structures) to solve problems or express ideas creatively.

- Students will be able to systematically test and improve programs using a variety of examples (test cases).
- Students will be able to use parts of code (procedures) that accept specific inputs (parameters) to send information.

Computer Science Priority Standard(s):*Computing Systems – Artificial Intelligence*

- **AI.ML.8.a Explain the difference between training and using a reasoning model to identify how a machine learns.**
- **AI.NI.8.b Critically analyze and discuss features that make an entity “intelligent,” including discussing differences between human, animal and machine intelligence to identify how machine intelligence varies from natural intelligence.**

Computer Science Secondary Standard(s):*Computing Systems – Artificial Intelligence*

- AI.P.8.a Explain how sounds and images are represented digitally in a computer to explain how sensor data is stored in a computer.
- AI.P.8.b Describe how a vision system might exhibit cultural bias if it lacked knowledge of objects not found in the culture of the people who created it to create inclusive and equitable data sets.
- AI.P.8.c Illustrate how sequences of words can be recognized as phrases, even if some of the words are unclear, by looking at how the words fit together to create a text recognition program.
- AI.RR.8.a Model the process of solving a graph-search problem using breadth-first search to draw a search tree.
- AI.ML.8.b Illustrate how objects in an image can be segmented and labeled to construct a training set for object recognition.
- AI.ML.8.c Explain how the choice of training data shapes the behavior of the classifier to identify how bias can be introduced if the training set is not properly balanced.
- AI.NI.8.a Create a program, individually and collaboratively, that implements a language processing algorithm to create a functional chatbot.
- AI.SI.8.a Identify and explain how the composition of training data affects the outcome of a supervised artificial intelligence system to identify bias in data sets.
- AI.SI.8.b Identify bias potential in the design of artificial intelligence systems and describe how to utilize inclusive AI design to prevent algorithmic bias.

Key Vocabulary:

- Artificial Intelligence (AI)
- Digital Representation
- Bias
- Machine Learning
- Training Data
- Algorithm
- Datasets
- Classifier
- Natural Language Processing
- Machine Intelligence
- Predictor

Enduring Understanding:

- Students will be able to explain how sounds and images are represented using numbers in a computer and how data from sensors is stored.
- Students will be able to describe how computer vision systems can show unfairness (cultural bias) if they aren't trained with diverse information and create data sets that are fair and representative of different cultures.
- Students will be able to demonstrate how groups of words can be understood as meaningful phrases, even if some words are hard to recognize, by looking at how they fit together, in order to create programs that recognize text.
- Students will be able to model how to solve problems by searching through connections (graph-search) using a specific method (breadth-first search) by drawing a diagram of the search process.
- Students will be able to explain the difference between preparing a learning model (training) and using it to make decisions (inference) to understand how a machine learns.
- Students will be able to show how parts of an image can be separated and labeled to build a collection of data for training a system to recognize objects.
- Students will be able to explain how the choice of data used for training influences how a system that classifies information behaves and identify how unfairness (bias) can be introduced if the training data is not balanced.
- Students will be able to create a program that uses a language understanding method to build a working chatbot, both by themselves and with others.
- Students will be able to thoughtfully analyze and discuss what characteristics make something seem "intelligent," including how human, animal, and machine intelligence are different, to understand how artificial intelligence varies from natural intelligence.
- Students will be able to identify and explain how the mix of data used for training affects the results of a supervised artificial intelligence system, in order to spot unfairness (bias) in data sets.
- Students will be able to identify where unfairness (bias) might enter the design of artificial intelligence systems and describe how to use design methods that are fair and inclusive to prevent biased outcomes from algorithms.

Computer Science Priority Standard(s):*Computing Systems – Impacts of Computing*

- **IC.Cu.8.b Propose potential guidelines/standards/criteria to positively impact bias and accessibility in the design of future technologies.**
- **IC.SLE.8.a Explain user privacy concerns related to the collection and generation of data that may not be evident through automated processes.**
- **IC.SLE.8.b Describe the social and economic implications of privacy in the context of safety, law or ethics to be global digital citizens.**

Computer Science Secondary Standard(s):*Computing Systems – Impacts of Computing*

- IC.Cu.8.a Compare current technologies and how they affect the current economy.
- IC.Cu.8.c Identify and explore careers related to the field of computer science.
- IC.Cu.8.d Explain how computing impacts innovation in other fields.
- IC.SI.8.a Evaluate the impacts of electronic communication on personal relationships to be able to evaluate differences between face-to-face and electronic communication.
- IC.SLE.8.c Identify ethical and legal security measures used to protect electronic information.
- IC.SLE.8.d Provide appropriate credit when using resources or artifacts that are not our own.

Key Vocabulary:

- Technology
- Economy
- Bias
- Accessibility
- Electronic Communication
- Impacts
- Privacy
- Ethics
- Digital Citizenship
- Automated Processes

Enduring Understanding:

- Students will be able to compare current technologies and analyze their influence on the present-day economy.
- Students will be able to suggest possible guidelines, standards, or criteria to positively address issues of unfairness (bias) and usability for everyone (accessibility) in how future technologies are designed.
- Students will be able to identify and investigate various job opportunities within the field of computer science.
- Students will be able to explain how computing drives new ideas and developments in areas outside of computer science.

- Students will be able to evaluate the effects of electronic communication on personal relationships and understand the differences between communicating face-to-face and electronically.
- Students will be able to explain user concerns about privacy related to collecting and creating data, including those issues that are not obvious from automated processes.
- Students will be able to describe how privacy affects society and the economy in terms of safety, laws, and ethical considerations, in order to be responsible participants in the digital world.
- Students will be able to identify security measures used to protect electronic information that align with ethical principles and legal requirements.
- Students will be able to give proper acknowledgement when using materials or creations that belong to others.

END Eighth Grade Technology Course of Study

END Delaware City Schools Technology Course of Study: Grades 6-8

Exhibit 4.2H

BOARD OF EDUCATION – DELAWARE CITY SCHOOLS
Job Description

Date: July 2026

Title: **MTSS Instructional Coach**

Reports To: Director of Elementary Education

Employment Status: Full Time

FLSA STATUS: Exempt

Qualifications: *

- * State of Ohio teaching license/certificate Pre-3, K-8, 1-8 or 4-9
- * Bachelor's degree required; Master's degree in education, special education, school psychology, or related field preferred
- * Three (3) years of successful teaching experience at the elementary level (K–5)
- * Extensive training/experience in academic instruction and evidence-based intervention programs
- * Demonstrated knowledge of MTSS framework design and implementation across multiple tiers
- * Experience using data to drive instructional decisions and facilitate data team/problem-solving meetings
- * Ability to communicate ideas and directives clearly and effectively both orally and in writing
- * Good health, physical stamina, fitness, and vitality

General Description: To provide targeted and focused professional learning for staff in regard to: sustained multi-tiered system of supports (MTSS), differentiation, Universal Screeners, baseline assessments, and evidence-based instructional practices. Confer with grade-level teams (K–5) on a regular basis to enhance a culture of learning. Support the teaching and learning focus on interventions to support all learners. Support the implementation of the district's academic programs. Serve as the building resource expert on Data Systems and support their implementation as a resource for school staff. Coordinate with the building Principal for MTSS meetings and Student Data Meetings; implement protocols and processes to ensure consistency across the K–5 building.

1. Facilitate the implementation of the District MTSS Initiative, K–5.
2. Demonstrate deep understanding of scientifically based reading research (SBRR) and evidence-based practices for teaching and assessing student progress in literacy, mathematics and whole child development.
3. Maintain current knowledge of curriculum, instruction, and teaching practices in elementary education.
4. Support teachers in implementing scientifically based reading research and evidence-based literacy instruction, including Ohio's Science of Reading and Structured Literacy approaches.
5. Support teachers on interventions and evidence-based practices for multiple tiers of instruction in all core academic areas, working collaboratively with intervention specialists and building staff.
6. Gather and analyze data; write reports related to student outcomes across K–5.
7. Maintain building, district, and state records as required, including documentation of student intervention plans, progress monitoring cycles, and team meeting records.

8. Create an atmosphere of trust and collaboration among staff to accelerate the academic achievement of all students.
9. Provide building-level and classroom-level support for the implementation of a multi-tiered system of supports (MTSS), including co-planning, co-teaching, modeling, and observation with feedback.
10. Coordinate and support the implementation of universal screening assessments across all K–5 grade levels; interpret results to guide instructional planning.
11. Support and interpret progress monitoring data to determine student growth, adjust intervention plans, and report outcomes to teams and administrators.
12. Monitor district-level, school-level, and classroom-level data to provide targeted support to teachers, grade-level teams, and building administrators.
13. Work with teachers and administrators in the implementation and support of the District Curriculum Plan.
14. Work with the building principal and teacher leaders to coordinate, deliver, and support appropriate K–5 professional development in literacy, mathematics, and MTSS practices.
15. Serve as liaison between the building and district with External Professional Development Organizations and state-level MTSS/literacy initiatives.
16. Work with building staff, district instructional specialists, and intervention specialists to coordinate across all tiers of instruction and ensure coherent service delivery.

- Expectations:**
1. Demonstrate support for the district's Vision, Mission, and Beliefs.
 2. Demonstrate commitment to continuous improvement by engaging in regular professional development activities.
 3. Ensure that all decisions are based on current, accurate student data.
 4. Demonstrate flexibility and openness to innovation in the performance of job-related duties.
 5. Serve as a role model in how to conduct oneself as a professional, responsible, and collaborative member of the school community.
 6. Adhere to and enforce all Board of Education policies.
 7. Perform other tasks as assigned by the immediate supervisor.
 8. The employee shall remain free from any alcohol or abuse of a non-prescribed controlled substance in the workplace throughout his/her employment in the District.

Additional Working Conditions:

1. Occasional exposure to blood, bodily fluids, and tissue.
2. Occasional operation of a vehicle under inclement weather conditions.
3. Occasional interaction among unruly children.

Exhibit 4.2I

BOARD OF EDUCATION – DELAWARE CITY SCHOOLS
Job Description

Date: July 13, 2026

Title: **Bilingual Educational Assistant (GRADES PK-12)**

Reports To: Directors of Secondary & Director of Elementary

Employment Status: Full Time

FLSA STATUS: Exempt

Qualifications:

- * Appropriate State of Ohio certification/license
- * Experience working with children across grade bands, as this individual could be working with Elementary to High School age students
- * Ability to communicate ideas and directives clearly and effectively both orally and in writing
- * Good health, physical stamina, fitness and vitality

General Description: This individual will work with the TESOL team including teachers and administrators supporting students who are English Learners. The person will collaborate with building TESOL teachers to provide academic support. Further, this individual will interpret, translate and communicate with students and parents as needed.

Essential Functions:

1. Serve first and foremost as a student centered support staff member.
2. Support the reading, writing, listening, and speaking of the English language.
3. Help students with the understanding of their school work.
4. Build bridges between students native language and the English language.
5. Collaborate with the building TESOL teacher to provide in class and/or out of class support.
6. Communicate with non-English speaking families.
7. Occasional translation of documents.
8. Support English Learner Events.
9. Provide in-class academic and language support across multiple subject areas
10. Help research, adapt, and create instructional materials and classroom content for EL students.
11. Monitor student progress, organization, and academic needs.
12. Collaborate with EL teachers, counselors, classroom teachers, and support staff regarding student support and placement.
13. Provide interpretation and translation support for students, families, counselors, teachers, and school staff.
14. Support communication and cultural understanding between families, students, and school personnel from diverse linguistic and cultural backgrounds.
15. Assist students and families during enrollment meetings, parent-teacher conferences, and counselor meetings.
16. Collaborate with counselors and staff to support appropriate academic placement and student success.
17. Help students understand school expectations, graduation requirements, classroom routines, academic systems, career options/pathways, and extracurricular opportunities.
18. Sharing best practices with staff.

- Expectations:
1. Demonstrate support for the district's Vision, Mission and Beliefs.
 2. Demonstrate commitment to continuous improvement by engaging in regular professional development activities.
 3. Demonstrate flexibility and openness to innovation in the performance of job related duties.
 4. Serve as a role model in how to conduct oneself as a citizen and as a responsible, intelligent human being.
 5. Perform other tasks as assigned by the immediate supervisor.
 6. The employee shall remain free from any alcohol or abuse of a non-prescribed controlled substance in the workplace throughout his/her employment in the District.
 7. Other duties as assigned.
 8. Assist with administration, including organization of standardized assessments.
 9. Management of EL educational plans as needed.
 10. Maintaining professionalism and good attendance.
 11. Adhere to, enforce, and follow Board Policy.

- Additional Working Conditions:
1. Occasional exposure to blood, bodily fluids, and tissue.
 2. Occasional operation of a vehicle under inclement weather conditions.
 3. Occasional interaction among unruly children.

Exhibit 4.2J

BOARD OF EDUCATION – DELAWARE CITY SCHOOLS
Job Description

Date: July 2026

Title: **K–5 Math and STEM Instructional Coach**

Reports To: Director of Elementary Education

Employment Status: Full Time

FLSA STATUS: Exempt

Qualifications:

- * State of Ohio teaching license/certificate Pre-3, K-8, 1-8 or 4-9
- * Bachelor's degree required; Master's degree in education, mathematics education, STEM education, or a related field preferred
- * Three (3) or more years of successful teaching experience at the elementary level (K–5)
- * Demonstrated experience in elementary mathematics and STEM instruction
- * Familiarity with STEM education frameworks, project-based learning, and integration of technology into K–5 instruction
- * Experience using data to drive instructional decisions and facilitate data team/problem-solving meetings
- * Ability to communicate ideas and directives clearly and effectively both orally and in writing
- * Good health, physical stamina, fitness and vitality

General Description: To provide targeted, job-embedded professional learning and coaching for K–5 staff in the effective implementation of the district's mathematics curriculum, STEM curriculum, and technology course of study. The K–5 Math and STEM Instructional Coach supports evidence-based instructional practices in mathematics and STEM, builds teacher capacity through co-planning, co-teaching, and modeling, and collaborates with grade-level teams to accelerate academic achievement for all learners. The coach also serves as the district resource for the PacerSpace makerspace facility and coordinates K–5 STEM programming across the buildings.

Essential Functions:

1. Facilitate the implementation of the District Mathematics and STEM initiatives, K–5.
2. Demonstrate deep knowledge of research-based strategies for mathematics instruction and evidence-based practices for teaching and assessing student progress in math, K–5.
3. Maintain current knowledge of curriculum, instruction, and teaching practices in elementary mathematics and STEM education.
4. Support teachers in implementing evidence-based mathematics instruction, including conceptual understanding, procedural fluency, and problem-solving aligned to Ohio's Learning Standards.
5. Gather and analyze data; write reports related to mathematics, STEM programming, and student outcomes across K–5.
6. Design and deliver engaging STEM lessons directly to K–5 students in the PacerSpace, incorporating engineering design, computational thinking, and interdisciplinary connections.

7. Curate and maintain the District PacerSpace as a dynamic makerspace resource that supports STEM learning across all grade levels.
8. Create an atmosphere of trust and collaboration among staff to accelerate the academic achievement of all K–5 students in mathematics and STEM.
9. Provide building-level and classroom-level support for mathematics, including co-planning, co-teaching, modeling, and observation with feedback.
10. Monitor district-level, school-level, and classroom-level mathematics data to provide targeted support to teachers, grade-level teams, and building administrators.
11. Design, organize, and train staff on the District K–5 technology course of study, integrating educational technology meaningfully into mathematics and STEM instruction.
12. Work with teachers and administrators in the implementation and support of the District Curriculum Plan for mathematics and STEM.
13. Work with the building principal and teacher leaders to coordinate, deliver, and support appropriate K–5 professional development in mathematics, STEM, and educational technology.
14. Serve as liaison between buildings and district with External Professional Development Organizations and state-level mathematics and STEM initiatives.
15. Work with building staff, district instructional specialists, and intervention specialists to coordinate across all tiers of mathematics instruction and ensure coherent service delivery.

Expectations:

1. Demonstrate support for the district's Vision, Mission and Beliefs.
2. Demonstrate commitment to continuous improvement by engaging in regular professional development activities.
3. Ensure that all decisions are based on current, accurate student data.
4. Demonstrate flexibility and openness to innovation in the performance of job related duties.
5. Serve as a role model in how to conduct oneself as a professional, responsible, and collaborative member of the school community.
6. Adhere to and enforce all board policies.
7. Perform other tasks as assigned by the immediate supervisor.
8. The employee shall remain free from any alcohol or abuse of a non-prescribed controlled substance in the workplace throughout his/her employment in the District.

Additional Working Conditions:

1. Occasional exposure to blood, bodily fluids, and tissue.
2. Occasional operation of a vehicle under inclement weather conditions.
3. Occasional interaction among unruly children.

Exhibit 5.1

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
Code	*po1422 JP (COMPLETED)
Status	
Adopted	February 19, 2013
Last Revised	May 17, 2021

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, ~~(-x)~~ 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.

[x] 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.

[x] The District offers health services (**xg**), 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)"): _____

Assistant Superintendent

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[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).]

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

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

Executive Director of Human and Material Resources

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[END OF OPTION]

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

[x] The Board designates the Assistant 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 _____ [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 (x) 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.

[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, (x) 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.

[x] 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 (x), in consultation with (-x) 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 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 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 (x) 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 (~~x~~), or the Determination, **[END OF OPTION]** must do so within 5 **[INSERT # OF DAYS]** days of receiving the Dismissal (~~x~~) 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. (~~x~~) 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 (~~x~~) 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.]

☒ **[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.

[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 3 **[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] _____.~~

[x] 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.]

[] x [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 (**x**), as set forth in AG 1422 **[END OF INTERNAL OPTION]**.

The CO has authority (**x**), in consultation with (**x**) 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.

[x] 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 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 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]~~

~~[OR]~~

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

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.

[END OF OPTION 3]

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

[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.]

[☒] 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.

[END OF OPTION]

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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	Vol. 44, No. 1 - Nondiscrimination - August 2025
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Rescind Policy - Vol. 44, No. 1

~~1662—ANTI-HARASSMENT~~

General Policy Statement

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

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

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

Other Violations of the Anti-Harassment Policy

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

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

Definitions

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.

~~**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.~~

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School-District community means 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 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).

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).

Bullying

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 students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

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

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

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

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.

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. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; () obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- N. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual

battery" as set forth in Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.}

Race/Color Harassment

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

{DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.}

(Name)

(School District Title)

(Telephone Number)

(Office Address)

 {E-mail Address}

 {Name}

 {School District Title}

 {Telephone Number}

 {Office Address}

 {E-mail Address}

The names, titles, and contact information of these individuals will be published annually on the District's website () and:

- A. () in the parent and staff handbooks.
- B. () in the School District Annual Report to the public
- C. () in the School District's calendar.
- D. () _____.

The Compliance Officer(s) () is () 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 harassment.

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

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

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

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01—Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 1662 F1)

Except for Sexual Harassment that is covered by Policy 2266—Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is inappropriate and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one of the Compliance Officers; and/or 3) to the Superintendent or other District-level employee.

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

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the

~~opportunity to submit a written response to the complaint within five (5) business days.~~

~~Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:~~

- ~~A. interviews with the Complainant;~~
- ~~B. interviews with the Respondent;~~
- ~~C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;~~
- ~~D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.~~

~~At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.~~

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

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

~~[] The decision of the Superintendent shall be final.~~

[OR]

~~[] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Treasurer/CFO.~~

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

[END OF OPTIONS]

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

~~The parties may be represented, at their own cost, at any of the above described meetings/hearings.~~

~~The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.~~

Privacy/Confidentiality

~~The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform~~

with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

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

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process 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.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after the fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following

~~items are not adequately encompassed in the preceding paragraphs.}~~

- N. ~~() documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) — e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

R.C. 4112.02

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

20 U.S.C. 1681 et seq.

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

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

29 C.F.R. Part 1635

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

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

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

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

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Revised Policy - Vol. 44, No. 1

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

Introduction

The Board of Education of the Delaware City 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. **[DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term "admission."]** 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, ~~() and/or Employee/Administrator Handbook(s)~~ **[END OF OPTION]** 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, ~~(-) and/or Employee/Administrator Handbook(s)~~ **[END OF OPTION]** 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, **criminal sexual contact (f.k.a. fondling)**, ~~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. **[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular**

definition of “consent,” but it is advisable to adopt a definition because “consent” is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic; the investigator(s) and decisionmaker(s) will then uniformly apply the adopted definition.]

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. **[DRAFTING NOTE: Depending on the definition of “consent” that the Board adopts, it may be necessary to define “incapacitated” in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of “consent” and what the Board means by the term “incapacitated.”]**

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 the 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), ~~(X) referral to Employee Assistance Program~~ ~~referral to Employee Assistance Program~~, **[END OF OPTION]** 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:

[DRAFTING NOTE: Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name *or* Title of the Title IX Coordinator; while the Board may list both the Name *and* Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name *and* Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guidelines (if applicable).]

Joseph Uher

Director of Elementary Curriculum and Assessment

74 W. William Street

Delaware, Ohio 43015

Aaron Cook

Director of Secondary Curriculum and Assessment

740-833-1100

74 W. William Street

Delaware, Ohio 43015

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 Delaware City 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:

Joseph Uher

Director of Elementary Curriculum and Assessment

74 W. William Street

Delaware, Ohio 43015

Aaron Cook

Director of Secondary Curriculum and Assessment

740-833-1100

74 W. William Street

Delaware, Ohio 43015

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: [Delaware City Schools Policies](#) **[insert the web address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy]**. 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), decisionmaker(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). ~~() Anonymous reports may be submitted using () the online reporting form posted at _____~~ **[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]**

Students, Board members, and Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. **[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or Sexual Harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or Sexual Harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify 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. **[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute "Board President" in place of "Superintendent."]**

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 **[END OF OPTION]**, 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. **DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of Sexual Harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., " * * * must immediately/promptly notify the/a Title IX Coordinator 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 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 **DRAFTING NOTE: The 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 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 purpose 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~~ Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights. **[DRAFTING NOTE: The Board may substitute "Superintendent" or "Title IX Coordinator" in place of "District" in the first sentence. Alternatively, the Superintendent could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Ohio, emergency removals may only be imposed in the manner delineated in ORC 3313.66. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Improvement Act and/or Section 504 of the Rehabilitation Act of 1973.]**

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 ~~()~~ and by ~~_____~~ **[END OF OPTION]. DRAFTING NOTE: The Board may set forth additional method(s) by which a Formal Complaint may be filed (e.g., online portal submission).]** 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. **[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute "Board President" in place of "Superintendent" in the preceding sentence.]**

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 () and the Employee/Administrator Handbook~~ **[END OF OPTION]. [DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false Formal Complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]**

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. **[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests sixty (60) days (i.e., twelve (12) weeks) based on the following considerations: (1) within two (2) days of receipt of the Formal Complaint, the Title IX Coordinator sends requisite notice to parties; (2) two (2) weeks (fourteen (14) calendar days) to investigate (remember the need for advance written notice to a party and adequate time for the party to prepare before any interviews/hearings/meetings; time for parties to present witnesses (including expert witnesses) and other inculpatory or exculpatory evidence); (3) at the conclusion of the investigation and before finalizing the investigative report, two (2) weeks (a minimum of ten (10) calendar days) for the parties to review the evidence and submit their feedback; (4) up to a week (i.e., seven (7) calendar days) for the investigator to consider such feedback and prepare the investigative report; (4) two (2) week (a minimum of ten (10) calendar days) for the parties to review the investigative report and submit questions and receive answers to questions submitted to parties and witnesses (if the Board permits hearings, the hearing cannot occur until the Complainant and Respondent have had a minimum of ten (10) calendar days to review the investigative report); (5) a week (i.e., seven (7) calendar days) for the decisionmaker(s) to prepare the decision; (6) up to a week (Neola suggests three to five calendar days) for the parties to review the decision and submit a notice of appeal; (7) a week (seven (7) calendar days) for the parties to submit their written statements in support of or in opposition to the appeal; and (8) a week (seven (7) calendar days) for the appeal decisionmaker(s) to prepare a final decision. Any informal resolution process could impact this schedule. Given this fairly aggressive timeline, the Board may want to remove the appeal process from this timeline – i.e., delete the phrase “, including resolving any appeals,” from the sentence, which would allow more time for potential use of the informal resolution process. Further, the preceding schedule does not provide time for a hearing that could further extend the timeline needed to complete the grievance process.]**

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. **[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time – e.g., the complexity and severity of the matter, or school breaks.]** ~~() The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process. [END OF OPTION]~~

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 (☒), this policy, (☒) and/or Employee/Administrator Handbook **[END OF OPTIONS]** **[DRAFTING NOTE: While the Title IX regulations only reference “code of conduct,” Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]** that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

[DRAFTING NOTE: The Title IX regulations do not define “upon receipt” or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within “two (2) days” of receipt of the Formal Complaint; this suggestion is memorialized in the corresponding Administrative Guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be quickly completed with the requisite information after receipt of the Formal Complaint.]

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~~~~exist~~, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one (1) 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 **[DRAFTING NOTE: Select this option if the Board permits hearings.] ()** or hearing **[END OF OPTION]:**

- 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.

[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling Formal Complaints of Sexual Harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]

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 decisionmaker(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, **[END OF OPTION]** sexually harassed a student. **[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Board employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]**

☒ The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent. **[END OF OPTION]** **[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board select this option because of the severity of this type of Sexual Harassment.]**

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 are on the District, not the parties.

In making the determination of responsibility, the decisionmaker(s) is(are) directed to use the **[DRAFTING NOTE: Choose one (1) of the following options]** ☒ preponderance of the evidence standard **[OR]** ~~() clear and convincing evidence standard~~ **[END OF OPTION]**. The decisionmaker(s) is charged with considering the totality of all available evidence from all relevant sources.

[DRAFTING NOTE: Neola suggests the Board adopt the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decisionmaker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged Sexual Harassment. The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the District would need to show to the decisionmaker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using a clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant. The same standard of evidence must be applied for Formal Complaints against students as is applied to Formal Complaints against employees, and the same standard of evidence must be used for all Formal Complaints of Sexual Harassment.]

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 decisionmaker(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; and

The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

~~() The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:~~

[END OF OPTIONS]

[DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules of decorum. This topic is also addressed in Administrative Guideline 2266.]

- C. ~~() 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. [END OF OPTION]~~

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 () hearings, [END OF OPTION]~~ **[DRAFTING NOTE: Select this option if the Board permits hearings.]** investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. **(x)** The investigator(s) and decisionmaker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings ~~= () and () days' notice with respect to hearings [END OF OPTION]. [END OF OPTIONAL SENTENCE]~~ **[DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice – i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advanced notice for hearings and one (1) day's advanced notice for 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~~ **(x) Title IX Coordinator [END OF OPTIONS]** 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. **[DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decisionmaker.]** ~~() The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. [END OF OPTIONAL SENTENCE]~~

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 **[DRAFTING NOTE: Select one (1) of the following two (2) options. The Board should select the second option if it is providing a hearing or permitting the decisionmaker(s) to decide whether to conduct a hearing on a case-by-case basis.]** (☒) the decisionmaker(s) issuing a determination regarding responsibility ~~FOR () a hearing or the decisionmaker(s) issuing a determination regarding responsibility~~ **[END OF OPTIONS]**.

Determination of Responsibility

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

[DRAFTING NOTE: The Board may, but does not need to, provide for a hearing before the decisionmaker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decisionmaker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program [see the Drafting Note contained in the first paragraph of the Introduction for a definition of "vocational program"], Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to Formal Complaints involving parties associated with the vocational program. If the Board determines, in consultation with its legal counsel, that it must provide for a live hearing, it should select Option E of OPTION 2, at least with respect to Formal Complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)

☒ [OPTION 1 - Will not provide hearing]

After the investigator sends the investigative report to the parties and the decisionmaker(s), and before the decisionmaker(s) reaches a determination regarding responsibility, the decisionmaker(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 decisionmaker(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 decisionmaker(s) must explain to the party proposing the questions of any decision to exclude a question as not relevant.

[END OF OPTION 1]

~~[] [OPTION 2 - May provide hearing]~~

~~After the investigator sends the investigative report to the parties and the decisionmaker(s), and prior to the decisionmaker(s) issuing a determination of responsibility, the decisionmaker(s) () may () will [END OF OPTION] conduct a hearing.~~

[DRAFTING NOTE: Select OPTION A or OPTION B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]

~~[] [OPTION A - BOARD SELECTED "MAY" (SEE OPTION 2, ABOVE)]~~

~~If the decisionmaker(s) decides not to conduct a hearing, the decisionmaker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decisionmaker(s) reaches a determination regarding responsibility, the decisionmaker(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 decisionmaker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.~~

~~If the decisionmaker(s) elects to conduct a hearing, the hearing will proceed as follows:~~

[END OF OPTION A]

~~[] [OPTION B – BOARD-SELECTED "WILL" (SEE OPTION 2, ABOVE)]~~

~~The hearing will proceed as follows:~~

~~[END OF OPTION B]~~

~~[DRAFTING NOTE: Select OPTION C or OPTION D or OPTION E; Neola suggests OPTION C]~~

~~[] [OPTION C – OPTION SUGGESTED BY NEOLA]~~

~~At the hearing, the decisionmaker(s) will allow each party or each party's advisor to submit relevant questions to the decisionmaker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decisionmaker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.~~

~~[] If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party. [END OF OPTIONAL SENTENCE]~~

~~[END OF OPTION C]~~**~~[] [OPTION D]~~**

~~Prior to commencing the hearing, the decisionmaker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses or instead to have the questions submitted to the decisionmaker(s) who will ask the other party and any witnesses the questions.~~

~~If the decisionmaker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decisionmaker(s) permits each party's advisor to ask questions directly to the other party and any witnesses, the decisionmaker(s) shall not restrict the extent to which advisors may participate in the hearing.~~

~~If, on the other hand, the decisionmaker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decisionmaker(s), the decisionmaker will ask the questions to the other party and any witnesses. Such cross-examination at the hearing will be conducted orally and in real time by the decisionmaker(s) based upon questions submitted by a party's advisor or the party.~~

~~Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decisionmaker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~If the decisionmaker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.~~

~~[] If the decisionmaker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice who may be, but is not required to be, an attorney, to submit questions on behalf of that party. [END OF OPTIONAL SENTENCE]~~

~~[END OF OPTION D]~~**~~[] [OPTION E]~~**

~~At the hearing, the decisionmaker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decisionmaker shall not restrict the extent to which advisors may participate in the hearing.~~

~~Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross examination or other question, the decisionmaker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~If a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.~~

[END OF OPTION E]

~~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.~~

~~Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the () decisionmaker(s) () Title IX Coordinator(s), any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decisionmaker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decisionmaker(s) and parties to simultaneously see and hear the party or witness answering questions. The District will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.~~

[END OF OPTION 2]

[END OF OPTIONS]

Determination regarding responsibility: The decisionmaker(s) will issue a written determination regarding responsibility. To reach this determination, the decisionmaker(s) must apply the **[DRAFTING NOTE: Choose one (1) of the following options]** (☒) preponderance of the evidence standard **[OR]** () clear and convincing evidence standard **[END OF OPTIONS]**. **[DRAFTING NOTE: Be sure to select the evidence standard selected previously (i.e., above).]**

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 **[DRAFTING NOTE: Remove brackets from "and" if following option not selected. The Board should only select this option if it permits hearings. (), and hearings held [END OF OPTION];**
- 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 decisionmaker(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 **[END OF OPTIONS]** 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 decisionmaker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decisionmaker(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 5610.01 – 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;

[END OF OPTIONS]

H. suspension without pay;

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

If the decisionmaker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decisionmaker(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. **[DRAFTING NOTE: The Board should review**

applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to imposition of discipline as result of possible delays caused by the Board's obligation to follow this grievance process and procedures; likewise, the Board may need to discuss with union representatives how implementation of this grievance process and 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.

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

[END OF OPTIONS]

- E. any combination of the same.

If the decisionmaker(s) determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decisionmaker(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 decisionmaker(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 the 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 decisionmaker(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.

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

- 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).~~

E. ~~()~~ _____

[END OF OPTIONS]

[☒] The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed. **[END OF OPTION]**

Any party wishing to appeal the decisionmaker(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 five (5) days after receipt of the decisionmaker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein. **[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for submitting a written appeal be set at "within three (3) days" OR "within five (5) days" of the appealing party's receipt of the decisionmakers(s)' determination of responsibility.]**

Nothing herein shall prevent the Superintendent from implementing appropriate remedies, however, excluding disciplinary sanctions, 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 decisionmaker(s) for the appeal shall not be the same person(s) as the decisionmaker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decisionmaker(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 decisionmakers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. **[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, OR OPTION 4.]**

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

~~The decisionmaker(s) for the appeal shall determine when each party's written statement is due.~~

[END OF OPTION 1]

[☒] [OPTION 2]

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.

[END OF OPTION 2]

~~**[] [OPTION 3]**~~

~~The appealing party's written statement must be submitted within _____ (____) days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within _____ (____) days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. () The appealing party will have _____ (____) days to submit a rebuttal to the other party's written statement. **[END OF OPTIONAL SENTENCE] [DRAFTING NOTE: Neola does not suggest that the Board select this extra option.]**~~

~~**[END OF OPTION 3]**~~

~~**[] [OPTION 4]**~~

~~Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to _____ (____) days after receipt of the appealing party's written statement to submit their written statement in support of the determination of responsibility.~~

~~**[END OF OPTION 4]**~~

[END OF OPTIONS]

[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal. If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party only have two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit their written statement challenging the determination of responsibility at the same time the appealing party submits their notice of appeal. The nonappealing party would then be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g., three (3) or five (5) days, depending on the appeal deadline selected above).]

The decisionmaker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decisionmaker's(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. **[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for the decisionmaker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements, or the date a last written statement is submitted pursuant to OPTION 3 or OPTION 4.]**

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 decisionmaker(s) for the appeal's decision are delivered to the Complainant and the Respondent. (☒) No further review beyond the appeal is permitted. **[END OF OPTIONAL SENTENCE]**

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 (~~-) and/or hearing~~ **[END OF OPTION] [DRAFT NOTE: Select this option if the Board permits hearings.]** 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 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 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. 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 **(x)** 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 Sexual Harassment based on expressive conduct that is protected by the First Amendment **(x)** and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers **[END OF OPTION]**.

Training

The District's Title IX Coordinator, along with any investigator(s), decisionmaker(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 ~~(-) that includes hearings~~ **[END OF OPTION] [DRAFTING NOTE: Select this option if the Board permits hearings.]**, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

[x] 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. **[END OF OPTIONAL SENTENCE] [DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all of the employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]**

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 ~~(-) and any audio or audiovisual recording or transcript that is made of any hearing~~ **[END OF OPTION] [DRAFTING NOTE: Select this option if the Board permits live hearings.]**, 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, decisionmakers, 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.~~ **[END OF OPTIONAL SENTENCE]**

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, a Title IX Coordinator, investigator, decisionmaker, decisionmaker 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, decisionmaker, decisionmaker 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, decisionmaker, decisionmaker 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.

[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.]

[☒] 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 that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the 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.

[END OF OPTION]

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Legal	R.C. 3313.207/208/209, 5104
	20 U.S.C. 1092(F)(6)(A)(v)
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	34 C.F.R. Part 106
	34 U.S.C. 12291(a)(8)
	34 U.S.C. 12291(a)(10)
	34 U.S.C. 12291(a)(30)
	42 U.S.C. 1983
	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.
	OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
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

3122 - 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.

[x] 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.

[x] The District offers health services **(x)**, 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 3122).**

- 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 3122 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)"):

Assistant Superintendent

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[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).]

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

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

Executive Director of Human and Material Resources

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[END OF OPTION]

[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 the Assistant 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 3122 **[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 3122 - Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment and Form 3122 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 _____ [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 (x) 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.

[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 (**x**) and AG 3122 **[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, (x) 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.

[x] 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 (x), in consultation with (x) 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 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 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 (x) 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 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 3122 **[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.]

☒ **[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.

[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:

3

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 3 **[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] _____.~~

[x] 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.]

~~[-x]~~ [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 (**x**), as set forth in AG 3122 **[END OF INTERNAL OPTION]**.

The CO has authority (**x**), in consultation with (**x**) 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.

[x] 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 3122 **[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 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 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]~~

~~[OR]~~

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

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.

[END OF OPTION 3]

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

[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 3122 **[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.]

[☒] 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.

[END OF OPTION]

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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	Vol. 44, No. 1 - Nondiscrimination - August 2025
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Rescind Policy - Vol. 44, No. 1

~~3362—ANTI-HARASSMENT~~

General Policy Statement

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

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

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

Other Violations of the Anti-Harassment Policy

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

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

Definitions

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.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School-District community means 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 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).

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).

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

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

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

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

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

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. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; () obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of sexual

battery as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.]

Race/Color Harassment

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):–

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

 {E-mail Address}

 {Name}

 {School District Title}

 {Telephone Number}

 {Office Address}

 {E-mail Address}

The names, titles, and contact information of these individuals will be published annually on the School District's web site () and:

- A. () in the parent and staff handbooks.
- B. () in the School District Annual Report to the public.
- C. () on each individual school's web site.
- D. () in the School District's calendar.
- E. () _____.

The Compliance Officer(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 harassment.

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

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community along with Third Parties are required to report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

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

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01—Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 3362 F1)

Except for Sexual Harassment that is covered by Policy 2266—Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is inappropriate and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A

Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to a Compliance Officer within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

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

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

~~[] The decision of the Superintendent shall be final.~~

{OR}

~~[] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Treasurer/CFO.~~

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

{END OF OPTIONS}

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

~~The parties may be represented, at their own cost, at any of the above described meetings/hearings.~~

~~The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit~~

of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

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

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or the policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process 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.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after the fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

- ~~L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);~~
- ~~M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;~~

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- ~~N. () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- ~~O. () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- ~~P. () copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- ~~Q. () copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~
- ~~R. () copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) — e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

R.C. 4112.02

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

20 U.S.C. 1681 et seq.

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

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

29 C.F.R. Part 1635

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

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

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

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
Code	*po4122 JP (COMPLETE)
Status	
Adopted	January 8, 2001
Last Revised	May 17, 2021

Replacement Policy - Vol. 44, No. 1

4122 - 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, (x) 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 4122).**

- 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 4122 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)"):

Assistant Superintendent

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[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).]

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

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

Executive Director of Human and Material Resources

(Name and/or School District Title)

74 W. William St. Delaware, OH 43015

(Office Address)

(Email Address)

740-833-1100

(Telephone Number)

[END OF OPTION]

[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 the Assistant 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 4122 **[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 4122 - Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment and Form 4122 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 _____ [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.

[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 **(-x)** and AG 4122 **[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 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 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 (**x**), or the Determination, **[END OF OPTION]** must do so within 5 **[INSERT # OF DAYS]** days of receiving the Dismissal (**s**) 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. (**s**) 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 (**x**) 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 (x) and AG 4122 **[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.]

(x) [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.

[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 **3** **[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.]

[x] [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 (**x**), as set forth in AG 4122 **[END OF INTERNAL OPTION]**.

The CO has authority (**x**), in consultation with (**x**) 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.

~~[x]~~ 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 4122 [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 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 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]~~

~~[OR]~~

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

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.

[END OF OPTION 3]

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

[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 4122 **[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.]

x] 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.

[END OF OPTION]

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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	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Rescind ANTI-HARASSMENT
Code	*po4362 JP (Completed-Rescind)
Status	
Adopted	January 8, 2001
Last Revised	May 17, 2021

Rescind Policy - Vol. 44, No. 1

~~4362—ANTI-HARASSMENT~~

General Policy Statement

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

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

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

Other Violations of the Anti-Harassment Policy

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

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

Definitions

~~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.~~

~~**Complainant** is the individual who alleges or is alleged to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.~~

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School-District community means 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 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).

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).

Bullying

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 students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

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

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

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. ~~Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a class, educational program, or activity.~~
- B. ~~Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.~~
- C. ~~Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.~~

~~Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.~~

~~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.~~

~~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. ~~Unwelcome sexual propositions, invitations, solicitations, and flirtations.~~
- B. ~~Unwanted physical and/or sexual contact.~~
- C. ~~Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.~~
- D. ~~Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.~~
- E. ~~Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.~~
- F. ~~Unwelcome and inappropriate touching, patting, or pinching; () obscene gestures.~~
- G. ~~Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.~~
- H. ~~Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~
- I. ~~Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.~~
- J. ~~Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.~~
- K. ~~A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.~~
- L. ~~In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.~~
- M. ~~Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.~~
- N. ~~Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.~~

~~Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.~~

~~[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of sexual~~

battery as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.]

Race/Color Harassment

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancstry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

 {E-mail Address}

 {Name}

 {School District Title}

 {Telephone Number}

 {Office Address}

 {E-mail Address}

The names, titles, and contact information of these individuals will be published annually on the School District's website () and:

- A. () in the parent 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. () _____.

The Compliance Officer(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 harassment.

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

The Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community, along with Third Parties, are required to report incidents of harassing conduct to an administrator, supervisor, or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

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

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01—Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 4362 F1)

Except for Sexual Harassment that is covered by Policy 2266—Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is inappropriate and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A

Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

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

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

~~[] The decision of the Superintendent shall be final.~~

{OR}

~~[] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Treasurer/CFO.~~

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

{END OF OPTIONS}

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

~~The parties may be represented, at their own cost, at any of the above described meetings/hearings.~~

~~The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit~~

of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

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

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or the policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process 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.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after the fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

- ~~L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);~~
- ~~M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;~~

~~[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- ~~N. () documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- ~~O. () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- ~~P. () copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- ~~Q. () copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~
- ~~R. () copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) — e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

R.C. 4112.02

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

20 U.S.C. 1681 et seq.

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

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

29 C.F.R. Part 1635

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

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

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

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

Book	Policy Manual
Section	Vol. 44, No. 2 - January 2026 OH
Title	Vol. 44, No. 2 - January 2026 Revised ENTRANCE REQUIREMENTS
Code	*po5112 JP (COMPLETE)-
Status	
Adopted	January 8, 2001
Last Revised	March 19, 2018

Revised Policy - Vol. 44, No. 2

5112 - ENTRANCE REQUIREMENTS

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

Preschool

x] A child is eligible for entrance into preschool if ~~the child/s/he~~ attains the age of three (3) **ENTER AGE** ~~specify~~ on or ~~by the first day of instruction of the school year of admittance~~ before August 1st **ENTER DATE** ~~date~~ of the year in which ~~the child/s/he~~ applies for entrance and has not yet attained the age at which ~~the child/s/he~~ will be admitted to **(x)** kindergarten **(-)** first grade **[DRAFTING NOTE: Check first grade only if there is no kindergarten in the District] [END OF INTERNAL OPTION]** ~~(check only if there is no kindergarten in District).~~ **[END OF OPTION]**

Kindergarten

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

The Board may admit to kindergarten such children as may be ineligible by reason of age but demonstrate the ability and need to undertake a program of education per Policy 5408.

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

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

First Grade

A child ~~shall be admitted to the first grade if the child is eligible for entrance into first grade if s/he~~ attains the age of six (6) ~~by on or before (-) August 1st (-) September 30th of the year in which the child is admitted (x), or by the first day of a term or semester other than the one beginning in August or September [END OF OPTION]. s/he applies for entrance.~~ Any student who has successfully completed kindergarten in accordance with R.C. 3321.01(B) shall be admitted to first grade. The Board may admit to first grade a younger child if the child satisfies the Board's early entrance criteria.

Required Documents

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

- A. ~~the child's~~ ~~his/her~~ birth certificate or similar documentation authorized by law as proof of age and birthdate;

Acceptable forms of documentation include: foreign birth certificate; religious, hospital, or physician's certificate showing date of birth; entry in a family bible; baptismal record; adoption record; affidavit from a parent; previously verified school records; or other documents permitted by law.

B. a certified copy of any custody order or decree together with any modification in such an order or decree.

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

Each child entering the District's kindergarten or first grade program for the first time must be properly screened for any medical or health problems, as well as those related to hearing, vision, speech, and communication. The cost for such screening shall be paid by (x) the District (-) the parents (-) [OTHER] [END OF OPTIONS].

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

Early Entrance Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025
Title	Vol. 44, No. 1 - August 2025 Revised EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS & PARTICIPATION IN EXTRACURRICULAR FOR STUDENTS NOT ENROLLED IN THE DISTRICT
Code	*po9270 JP (COMPLETED)
Status	
Adopted	January 8, 2001
Last Revised	January 8, 2024

Revised Policy - Vol. 44, No. 1

9270 - EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS & PARTICIPATION IN ~~EXTRACURRICULAR~~ ~~EXTRA-CURRICULAR~~ FOR STUDENTS NOT ENROLLED IN THE DISTRICT

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

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

Home Education

A parent electing to home-educate a child between the ages of six (6) and eighteen (18) shall provide notice to the Superintendent within five (5) calendar days after commencing home education, moving into the District, or withdrawing from the District or a nonpublic school, and by the thirtieth (30th) day of August each year thereafter. The notice shall include the parent's name and address, the child's name, and an assurance that the child will receive education in the following subject areas:

- A. English language arts
- B. Mathematics
- C. Science
- D. History
- E. Government
- F. Social Studies

The child's exemption from attending school shall be effective upon receipt of the notice. The Superintendent will send written acknowledgment of receipt of the notice within fourteen (14) calendar days. If there is evidence that a child exempt from school for home education is not receiving an education in the required subject areas, the child may be subject to truancy procedures in accordance with Policy 5200.

A qualified special education student who is home-educated may participate in the Junior Reserve Officers Training Corps ("JROTC") program at their resident school district without being enrolled in the district.

A child who is enrolled in the District following any period of home education shall be placed in the appropriate grade level, without discrimination or prejudice, in accordance with the policies of the Board.

~~Extracurricular~~ ~~Extra-Curricular~~ Activity Participation of Students Not Enrolled in District

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

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

~~[] The Superintendent may grant any home-educated student, regardless of whether the Superintendent's district is the student's resident district, the opportunity to participate in interscholastic athletics at a school in the District, in accordance with the provisions of Policy 2431 – Interscholastic Athletics, if the student was subject to any of the following by a school official, employee, or volunteer, or another student, from the district or school in which the student is enrolled or the district in which the student is participating in interscholastic athletics under R.C. 3313.537, 3313.5311, or 3313.5312: harassment, intimidation, or bullying; a qualifying offense for which the school official, employee, or volunteer, or another student, has been either of the following: charged with, indicted for, convicted of, or pled guilty to committing; alleged to be or is adjudicated a delinquent child for committing; conduct by a school official, employee, or volunteer that violates the licensure code of professional conduct for Ohio educators developed by the State Board of Education. The Superintendent will document the reason(s) for granting participation under this policy. To be eligible, a home-educated student must be of the appropriate age and grade level, as determined by the Superintendent, and must fulfill the same academic, nonacademic, and financial requirements as any other participant. Home educated students will be subject to the same rules of participation and the same fees that are applied to any other participant. The District will not penalize or restrict eligibility to participate in District interscholastic athletics for students who cease to participate in interscholastic athletics elsewhere during the school year and begin to participate in District programs after being subject to bullying or any other types of offenses listed in this Policy. [END OF OPTION]~~

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

~~[] The Superintendent may allow a student, who is enrolled in a nonpublic school and not entitled to attend school in the District pursuant to R.C. 3313.64 or R.C. 3313.65, to participate in any extracurricular~~extra-curricular~~ activity offered by the District if the nonpublic school in which the student is enrolled does not offer the extracurricular~~extra-curricular~~ activity, and either of the following applies:~~

- ~~A. () the extracurricular~~extra-curricular~~ activity is not interscholastic athletics or interscholastic contests or competitions in music, drama, or forensics; or~~
- ~~B. () the extracurricular~~extra-curricular~~ activity is in an interscholastic athletic or interscholastic contest or competition in music, drama, or forensics.~~

~~In order to participate under this option, the nonpublic school must be located in the District. Prior to participation, the Superintendent must enter into a written agreement with the Superintendent of the public school district in which the student is entitled by law to attend that permits the student's participation. The written agreement must include a certification that the student has not participated in an interscholastic athletic or interscholastic contest or competition in music, drama, or forensics during the current school year. If the student has participated in an interscholastic athletic or interscholastic contest or competition in music, drama, or forensics, the student shall be ineligible to participate for the remainder of the school year. [END OF OPTION]~~

Eligibility Requirements

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

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

No eligible home-educated or nonpublic school student will be charged any fees in excess of those fees charged to other students for participation in the same ~~extracurricular~~ ~~extra-curricular~~ activity. No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the District because the student has or is participating in a college credit plus program, as long as the student fulfills all academic, nonacademic, and financial requirements.

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Legal

A.C. 3301-34

R.C. 3313.5311, 3313.5312, 3313.5341, 3313.6110, 3321.03, 3321.04, 3321.042

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	*po1422.02 JP (Rescind)
Status	
Adopted	February 6, 2012

Rescind Policy - Vol. 44, No. 1

1422.02 — NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Board of Education 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 his/her 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 this Act, 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.

"Genetic information," as defined by GINA, 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.

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 Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He 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 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. 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 his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

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42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	*po3122.02 JP (Complted-Rescind)
Status	
Adopted	May 17, 2010
Last Revised	February 6, 2012

Rescind Policy - Vol. 44, No. 1

3122.02 — NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Board of Education 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 his/her 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 this Act, 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.

"Genetic information," as defined by GINA, 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.

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 Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He 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 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. 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 his/her health services providers, but only genetic information in aggregate form will be provided to the Board.~~

~~**[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]**~~

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Legal 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

Book	Policy Manual
Section	Vol. 44, No. 1 - Nondiscrimination - August 2025
Title	Vol. 44, No. 1 - Nondiscrimination - August 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	*po4122.02 (Completed- Rescind)JP
Status	
Adopted	May 17, 2010
Last Revised	February 6, 2012

Rescind Policy - Vol. 44, No. 1

4122.02 — NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Board of Education 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 his/her 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 this Act, 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.

"Genetic information," as defined by GINA, 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.

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 Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He 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 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. 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 his/her health services providers, but only genetic information in aggregate form will be provided to the Board.~~

~~**[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]**~~

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Legal 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635



Members-only attachment

Exhibit 6.1



Members-only attachment



Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025
Title	Vol. 44, No. 1 - August 2025 Revised ATTENDANCE
Code	*po5200 JP (choices)
Status	
Adopted	January 8, 2001
Last Revised	March 3, 2025

Revised Policy - Vol. 44, No. 1**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. **[END OF OPTION]**

A student in grades nine (9) through twelve (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~~ **[END OF OPTION]** 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.

[X] [OPTIONAL LANGUAGE]

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

L. ☒ service as a precinct officer at a primary, special, or general election in accordance with the program set forth in Policy 5725 **[END OF OPTION]**

M. college visitation

~~() The District requires verification of the date and time of the visitation by the college, university, or technical college. **[END OF OPTION]**~~

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

[END OF OPTIONAL LANGUAGE]

☒ 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. **[END OF OPTION]**

☒ 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. **[END OF OPTION]**

☒ 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. **[END OF OPTION]**

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 beginning of every block/period in buildings with block/period based scheduling. Absences from a class block/period shall be accounted for to the nearest full hour. **[END OF OPTION]****~~

~~**[] Attendance shall be taken at the commencement of the school day in buildings with non-period based schedules. Attendance for students arriving late or leaving early must be tracked and recorded to the nearest full hour. **[END OF OPTION]****~~

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 (x) ten (10) ~~()~~ **[ENTER AMOUNT]** medically excused absences without a doctor's note, but with a phone call from a parent/guardian. This policy will be extended beyond (x) ten (10) ~~()~~ **[ENTER AMOUNT]** 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 (x) five (5) ~~()~~ **[ENTER AMOUNT]** 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. **[DRAFTING NOTE: Use the last option to permit an excused medical absence for student mental health (e.g., school phobia, anxiety, emotional disability) or for students whose chronic conditions could be impacted by recognized pandemic/epidemic (COVID-19) or other causes. Document the reason for the medical excuse.]**~~

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. (x) 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 (x) Superintendent ~~()~~ **[END OF OPTION]**. The (x) Superintendent ~~()~~ **[END OF OPTION]** will review the grievance and issue a written determination of whether the policy has been violated. The decision of the (x) Superintendent ~~()~~ **[END OF OPTION]** 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 [END OF OPTION]. **[DRAFTING NOTE: Districts are required to publish a non-exhaustive list of religious holidays, festivals, and observances. At the beginning of the school year, the State Superintendent is required to provide each District with a non-exhaustive list of holidays and festivals for the next two (2) years. Each district must either adopt the State Superintendent's list or develop and adopt a list of its own.]** 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 5% of the state minimum number of hours required in the school year for the grade the student attends () 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

[DRAFTING NOTE: A school district with a chronic absenteeism percentage that is less than five percent (5%), as displayed on the district's most recent report card, and the school buildings within that district, shall be exempt from the following requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy listed in this policy. Should those intervention strategies fail, within sixty-one (61) days after their implementation,





the attendance officer shall determine whether criteria are met to file a complaint against the student in juvenile court, and if so, shall file the complaint. The language "to the extent required by law as determined on an annual basis" refers to this exemption.]

To the extent required by law as determined on an annual basis, within ten (10) days of a student becoming habitually truant, the () Superintendent () 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.

[] As part of the absence intervention plan, the () Superintendent () Principal may, in their discretion, contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in R.C. 2151.27(G). [DRAFTING NOTE: Any school that chooses this option must develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.]

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. **[DRAFTING NOTE: Schools must obtain written permission to release confidential information about a student to third parties, such as a representative of an outside agency on an intervention team.]**

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 () Superintendent () 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 () Superintendent () 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





- F. ☒ assign the student assignment to an alternative school **[DRAFTING NOTE: If the District has established an alternative school, it must appear as an alternative intervention strategy.]**

G. ☐ Other _____

Students shall not be suspended, expelled, or otherwise prevented from attending school because of the student's absences. 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 ☐ Superintendent ☐ Principal may, in their discretion, assign the ☐ **[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.

[DRAFTING NOTE: Choose one of the following options]

☐ The plan shall be implemented not later than seven (7) days prior to the first day of instruction of the next school year.

[OR]

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

[END OF OPTIONS]

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:

- The student is habitually truant.
- 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.
- 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 ☐ the attendance officer **[END OF OPTIONS]** 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.

Absence Intervention Team

The District will establish at least one (1) absence intervention team ("AIT") ☐ District wide ☒ in each school building **[END OF OPTION]**. The AIT will work with students at risk of becoming chronically absent and their families to improve the students' attendance. The Superintendent will develop administrative guidelines that address AIT membership, criteria for when the AIT will work with students and families, and strategies and resources that may be utilized by the AIT to improve school attendance.

Educational Program

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 absences without a 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. **[DRAFTING NOTE: The term "habitually absent" as used here refers to the level of unexcused**





~~absences that will trigger a notice to the Registrar of Motor Vehicles and Juvenile Court Judge under R.C. 3321.13(B)(2). It is not to be confused with "excessively absent" or "habitually truant" as those terms are defined above.}]~~

~~[DRAFTING NOTE: A student is designated a habitual truant only through the measurement of unexcused absences. Schools must initiate intervention procedures for habitually truant students. If the interventions fail, the school must file a complaint against the habitually truant student in juvenile court. Excessive absenteeism is marked by an accumulation of both excused and unexcused absences. Intervention strategies may be implemented for students designated excessively absent, but a notice to parents is required. No further action toward the excessively absent student is required unless the student becomes habitually truant. The parent notice is purely a warning that the child has missed an excessive amount of school hours, both with and without a legitimate excuse.}]~~

~~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 and Workforce, 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 Delaware County/~~Counties~~, 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.

~~[] [OPTIONAL LANGUAGE]~~

Tracking Remote Attendance

~~Consistent with the District's remote learning plan (e.g., Blended Learning, Online Learning, etc.), the District will provide a variety of instruction models, including both teacher led remote learning and self directed remote learning.~~

~~Student attendance in teacher led remote learning (synchronous web based instruction) shall be tracked in the same manner as hourly, in person instruction. Teachers shall determine hourly attendance by evidence of student login and logoff data. [] Teachers are encouraged to verify meaningful attendance in a method selected by the teacher, such as an ungraded quiz at the close of a lesson, a survey or poll questions (unrelated to the lesson and unpredictable) at the end of the lesson, or asking students questions at random throughout a session. [END OF OPTIONAL SENTENCE]~~

~~In addition to the reasons listed at the beginning of this policy, absences from teacher led remote learning (synchronous web based instruction) may be considered excused under the following circumstances, with () written [END OF OPTION] notice from a parent/guardian:~~

- ~~A. () temporary internet outage for individual students or households;~~
- ~~B. () unexpected technical difficulties for individual students or households, such as password resets or software upgrades occurring during a teacher led remote learning lesson;~~
- ~~C. () computer/device malfunction;~~
- ~~D. () malfunction of a District owned device for which the District is providing technical assistance, repair, or replacement.~~





Attendance in self-directed remote learning (asynchronous) shall be tracked by evidence of participation, which may include, but is not limited to:

- A. daily logins to learning management systems;
- B. daily interactions with the teacher to acknowledge attendance, which may include, but are not limited to, messages, emails, telephone calls, video chats, or other formats that enable teachers to engage with students; and
- C. assignment completion.

The teacher will determine the number of hours a typical student would take to complete an assignment and report those hours of attendance when the assignment is completed. A teacher () may () should [END OF OPTION] adjust the number of hours of attendance based on the length of time the student actually spent on the assignment, as reported by the student, parent, or other person with knowledge. **[DRAFTING NOTE: If a teacher knows that a regular education student or special education student took "significantly" longer (i.e., more than a de minimis additional amount of time) than the "typical" amount of time to complete an assignment, the student should be given additional attendance "credit." The administration will need to determine how it intends to verify the amount of time the student or parent reports it took the child to complete the assignment from the time a "typical" student would be expected to take to complete the assignment.]**

[END OF OPTIONAL LANGUAGE]

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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	Vol. 44, No. 1 - August 2025
Title	Vol. 44, No. 1 - August 2025 Revised DIGITAL CONTENT AND ACCESSIBILITY
Code	*po7540.02 JP (choices)
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Last Revised	November 6, 2023

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 **(x)** 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.**

[x] **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 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** 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.

x] 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., **Progressbook/PowerSchool/Infinite Campus**) for the purpose of conveying information to students and/or parents. **[END OF OPTION]**

[x 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 content, 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/service server 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 class/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, 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. I know these are removed but wanted to note this has since been changed
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 two (2) **[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. **DigitalWeb Accessibility Coordinator**

The Board designates its ~~()~~ Section 504/ADA Compliance Coordinator(s) ~~()~~ Technology Director **(x)** Director of Technology **[END OF OPTIONS]** as the District's DigitalWeb Accessibility Coordinator(s). **(x)** That individual ~~()~~ Those individuals **(x)** 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]**~~

[x] [OPTION #2]

The District's DigitalWeb Accessibility Coordinator(s) can be reached at at Director of Technology Communications, 740 West William Street, Delaware, Ohio 43015 740-833-1100
~~**[Insert name or title, address, e-mail, phone].**~~

[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.

~~Nothing in the preceding paragraph, however,~~ **Additionally, nothing herein** 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.~~

[X] This audit will occur ~~() quarterly () semi-annually () at least annually () with quarterly monitoring of high-priority content and newly published materials~~ **[OR] (X-) annually (x), 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]

[X] [OPTION 2]

[X] 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 Digitalthe 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/ServicesApps 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 Technology _____ [END OF OPTION] pre-approve each app/serviceapp and/or service that a teacher intends to use to supplement and enhance student learning. To be approved, the app/serviceapp 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]

[X [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.

[X] 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)

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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)

Exhibit 6.2



**Bridgeway Academy
Enrollment Agreement**

STUDENT A

We look forward to welcoming [REDACTED] ("Student") to Bridgeway Academy located at 1350 Alum Creek Drive, Columbus, OH ("Premises") for the 2026-2027 School Year. This Enrollment Agreement ("Agreement") details the full and binding agreement between Bridgeway Academy and the Delaware School District ("District") Board of Education with regard to enrollment, payment, and the parties' responsibilities. Student's enrollment is conditioned upon the District's agreement to the following terms:

1. **Enrollment.** Student's enrollment or re-enrollment at Bridgeway Academy is not accepted until the District signs and returns this Enrollment Agreement ("Agreement") to Bridgeway Academy.
2. **Individualized Education Program and Individualized Education Program Team.** Each Student shall have an Individualized Education Program ("IEP") and an IEP Team. The IEP Team shall be comprised of the student's program Director, Managers, Lead Teacher, Parent/Guardian(s) and representatives of the District. The IEP Team, in consultation with at least one representative of Bridgeway Academy, shall continuously make ongoing changes and decisions as needs arise, in order to meet the goals of the Student. Bridgeway Academy agrees to meet and communicate with the IEP Team as needed to discuss and facilitate changes to the IEP.
3. **Student Support.** Bridgeway Academy will provide appropriate staff, materials, family support, and educational environments as deemed necessary and in accordance with the Student's IEP. All Bridgeway Academy staff will be appropriately licensed (or under the supervision of someone who is appropriately licensed) as may be required by the Ohio Department of Education ("ODEW") and in accordance with the Student's IEP. All services provided under this Agreement shall comply with all federal, state, and local laws, the Student's IEP, and industry standards.
4. **Classroom Placement.** The District understands that classroom placement is within the sole discretion of Bridgeway Academy, based on observation of and interaction with the Student, and the professional judgment of its team members. The District agrees that the Tuition and Related Services Fees set forth in the attached Fee Schedule may increase or decrease at any point in the academic year if the IEP Team determines that the Student requires a different level of care necessitating a different classroom placement or a change in services. Bridgeway Academy will notify the District of such changes in writing before implementing the new fees. Fee changes related to new placement or modified services will be prorated based on the date that placement is changed or services are modified. No additional or different fees will be charged to the District unless agreed to, in advance and in writing, by both Parties.

Any change in fees incurred under this Paragraph will be reflected in an amendment to this Agreement, to be approved and signed by the parties.

5. District Payment of Tuition.

- a. In consideration of the acceptance of this Agreement, the District agrees to pay the required total fees as outlined in this Agreement and the attached Fee Schedule. Bridgeway Academy shall be paid an additional 25% of any past due invoice amount for amounts not paid by the stated due date on the invoice, which shall be no earlier than thirty (30) days after the District's receipt of the invoice. Notwithstanding the foregoing, the District shall not be required to pay any invoice until Bridgeway has provided the District with all due and requested education records, including but not limited to quarterly progress reports, transcripts, and attendance documentation for the month invoiced. The District is responsible for full payment of tuition and any other fees listed in this Agreement regardless of attendance of Student.
- b. Student's parent(s) may request additional services to be paid by parent(s) or by third-party funding sources, which shall not affect the amount owed by the District under this Agreement.
- c. The District acknowledges that if payment of fees contained in this Agreement remain unpaid more than thirty (30) days after the invoice's stated due date, the Student may not be permitted to continue to attend Bridgeway. Discontinuation of Student attendance under this section will not in and of itself terminate the Agreement. Bridgeway shall provide the District with written notice of any discontinuation of services under this section, as well as an opportunity to pay any outstanding invoice, no later than thirty (30) school days before discontinuing such service.
- d. **Payment Method Fees.** Payment may be remitted by cash, check, ACH transfer, or credit card. In the event the District elects to pay by credit card, the District agrees that a surcharge will be assessed to offset the cost of processing such payment. The surcharge will be equal to cost to process the credit card transaction. District acknowledges that payment by credit card is optional and that **no surcharge will be applied to payments made by alternative methods** such as cash, check, or ACH transfer. The Parties agree that this surcharge is **not a penalty**, but rather a charge intended to recover actual transaction processing costs, and is assessed in compliance with applicable federal law, the laws of the State of Ohio, and applicable payment card network rules.

- 6. Student Transportation Provided by District.** The District shall provide for the Student's transportation to and from Bridgeway Academy during designated times. The District shall ensure the on-time pickup of the Student and compliance with all other rules, regulations and policies of Bridgeway Academy related to pick-up and drop-off that Bridgeway communicates to the District in advance and in writing. If the Student is picked up late, a fee for after care may be added, which shall be equal to \$5.00 per each 15 minutes that the transportation is late. A grace period of 10 minutes in normal traffic conditions and 15 minutes in winter weather will be considered before charges are assessed.
- 7. Other District Acknowledgements and Obligations.**

 - a. **Materials.** The District shall timely provide all materials (such as testing materials for state mandated testing) requested by the IEP Team.
 - b. **Resolving Problems.** The District shall timely communicate any concerns or questions under this Agreement to staff at Bridgeway Academy, and if such concerns or questions are not addressed adequately, immediately communicate the issue(s) to a Chief Executive Officer of Bridgeway Academy.
 - c. **Constructive Communications.** Bridgeway Academy believes that a respectful, positive and constructive working relationship between parents, the District, and the IEP Team is essential to the fulfillment of Bridgeway Academy's mission. If communications are not meeting this standard, Bridgeway Academy may request a meeting with a District representative to discuss the communication standard and/or the continued enrollment of the student.
- 8. Confidentiality by District and Bridgeway Employees.** The District and Bridgeway shall maintain confidentiality of and regarding all Bridgeway students at all times, on or away from Bridgeway and/or District Premises, in accordance with all state and federal student confidentiality laws and regulations and all District policies. Such confidentiality prohibits the sharing of names, ages, attendance, programming, medical, familial, behavioral, and/or progress of students, and further prohibits sharing any information gleaned from informal or formal observations made while on the Premises. Any suspected or confirmed violations of this confidentiality clause must be reported to a Bridgeway Executive Director and District Representative as soon as practicable. A violation of this provision by District employees or parents may constitute grounds for withdrawal of the Student from Bridgeway.
- 9. Provision of Related Services.** In addition to services included in tuition, as described in the attached Fee Schedule, Bridgeway Therapy Center shall provide the Student with related therapy services as deemed necessary by the IEP team and as specified in this Agreement. The District agrees to provide payment for all related therapy services included on the IEP and as specified in

this Agreement, as well as up to 5 hours, per discipline, annually for indirect services including consultation, progress review, goal development, and planning.

- 10. Staff Support for Student.** If the Student requires the support of a 1:1 aide or other staff member, Bridgeway Academy will provide this service to implement behavior strategies to ensure safety of the Student, classmates, and staff members. In such a case, an attachment that includes the 1:1 Support Add-On fee shall be attached to this Agreement, and such attachment shall be signed by the parties.
- 11. Communication.** Bridgeway will provide the Parent with communication through Class Dojo, email, phone calls, and shall send quarterly progress reports to the District according to the Bridgeway Academy academic calendar. The progress reports will include data documenting the Student's progress toward IEP goals, as well as any other data requested by the District, and will be provided to parents and the District in the method and frequency outlined in the IEP. Bridgeway shall also provide the District with documentation of curriculum and course materials completed while the Student attends Bridgeway. Bridgeway shall keep and maintain adequate education records in the manner required by the District and as communicated to Bridgeway in writing. Upon the District's request, Bridgeway shall provide all requested education records to the District, including but not limited to appropriate documentation to assist the District with the development of IEPs, the evaluation of a Student, and/or the collection of fees for services rendered by Bridgeway.
- 12. Educational Adjustments.** Bridgeway Academy, in its sole discretion, may make ongoing educational adjustments as deemed necessary to meet the needs of Student, staff and its community. However, no such change may conflict with this Agreement or add financial obligations of the District, unless an amendment to this Agreement is executed by the parties. Further, no such change may contravene the Student's IEP, unless the IEP Team agrees to amend the IEP accordingly.
- 13. Compliance with Applicable Agency Regulations.** Bridgeway will maintain standards set forth by the Ohio Department of Job and Family Services ("ODJFS") and ODEW, and all other federal, state, and local laws, as applicable to the premises attended by Student at all times when providing services under this Agreement. Such compliance may include adhering to fire, health, and safety guidelines established by ODJFS and/or ODEW.
- 14. Evaluation Treatment Report at District Request.** At the District's request, Bridgeway Academy/Bridgeway Therapy Center will conduct an Evaluation Team Report ("ETR") for the Student. In such case, an Attachment to this Agreement shall be agreed to by both Parties that includes the scope and fee for the ETR.
- 15. Termination.** This Agreement may be terminated by either party, for any reason or no reason, with

at least 30 days' written notice to the other party. Notice to Bridgeway Academy shall be delivered by email to **office@bridgewayohio.org**.

If this Agreement is terminated by the District without the required notice, a termination fee of **\$2,000.00** will be assessed. All outstanding amounts due to Bridgeway Academy and Therapy Center for services rendered to the Student prior to cancellation of this Agreement by the District shall be paid immediately upon receipt of a final invoice.

- 16. Entire Agreement.** This Agreement represents the entire Agreement between the parties and no other agreements (oral or written) pertaining to the Student which are not reflected in this Agreement or its attachments are binding upon the parties.
- 17. Amendment.** No amendment to this Agreement and no alteration or addition to the printed terms hereof will be effective without the expressed, prior written approval of a Chief Executive Officer of Bridgeway Academy and a District Representative.
- 18. Neutral Construction.** In interpreting this Agreement, it should be considered to have been negotiated and drafted by both parties, so as not to be interpreted for or against one party over another.
- 19. Required Mediation.** If either party contends that this Agreement has been breached, the parties agree to participate in non-binding mediation prior to filing any claim in state or federal court, and prior to submitting any complaint with a governing administrative agency. Nothing in this paragraph shall prohibit the District from making mandatory or discretionary reports of any suspected violation(s) of legal or ethical obligations to the appropriate governing body or administrative agency. The parties further agree to participate in good faith, and a failure to do so by either party shall preclude the filing of any other claim against the other party. The mediator shall be jointly selected by the parties among local mediators with educational experience. The mediation shall take place in Columbus, Franklin County, Ohio. Offers made in mediation shall remain confidential and may not be used in any subsequent proceeding. The parties shall equally split the cost of the selected mediator and cover their own expenses for counsel. The parties agree that the provisions of this section shall survive any termination of this Agreement.
- 20. Choice of Law; Forum.** This Agreement shall be interpreted under Ohio law. Following required mediation, any unresolved claims must be brought in a court of competent jurisdiction in Columbus, Ohio.



STUDENT A

Student's Name(s): [REDACTED]

2026-2027 School Year

2026-2027 School Year Tuition	\$46,300
Behavior Support Fee Estimate	\$2,850 (30 Hours)
Related Therapy Services (see table below)	\$4,375

Total District Expense **\$53,525**

Additional Services Provided (as needed):

Students have an estimated amount of behavior hours based on previous usage listed above. When these hours have been exhausted, Bridgeway Academy will begin billing actual hours used at a rate of \$95/hour. We will invoice the District one month in arrears.

As an authorized representative of the District, I have reviewed these fees and agree to the provision of payments outlined herein.

Signature of District Representative **Delaware School District** Date

Printed Name of District Representative

Signature of Bridgeway Academy Representative Date

Printed Name of Bridgeway Academy Representative

Additional Fee Schedule

Related Therapy Services (as listed in the IEP):

Speech Therapy, Occupational Therapy and Physical Therapy: \$31.25 per 15 minutes or "unit". The detailed breakdown for this student is:

	School Year Minutes			
	Speech Mins	OT mins	PT mins	Total Therapy
Direct Service	900	600	-	\$ 3,125
Indirect Service	300	300		\$ 1,250
Total	1,200	900	-	\$ 4,375

Behavior Support: Designed to assist the Student in accessing the educational environment and programming, the student will receive the hours listed on page 6 estimated from previous usage. New students will start at 42 hours for the school year and 7 for the summer. If the allotted hours are exceeded, additional hours will be billed at a rate of \$95 per hour. Unused hours will be credited to the district at the end of the school year. Services will be provided on an as needed basis and can include but are not limited to: functional behavior assessment, creating, updating, and monitoring behavior strategies, psychological services directly related to behavior support and redirection strategies, training staff, providing direct support, creating and monitoring programming, and consultation with the multidisciplinary team, including parents. A Board Certified Behavior Analyst will conduct supervision of services.

1:1 Support Add-On: A 1:1 assistant will implement behavior strategies to ensure safety of Student, classmates, and staff members. This amount will be billed with tuition each month.

As an authorized representative of the District, I have reviewed these fees and agree to the provision of payments outlined herein.

 Signature of District Representative	Delaware School District	7.2.24 Date
Angie MacWhinnay Printed Name of District Representative		7.2.24

End of Agreement

Exhibit 6.3



June 24, 2026

Agreement for Behavior Intervention Services

Contractor: BND Consulting, LLC
Brittany Duffy, MA, BCBA, COBA

Client: Delaware City Schools
Angela Macwhinney
Director of Special Education – Delaware City Schools

Providing services to the followings student:  **STUDENT A**

Dates: August 2026-June 2027

Independent Contractor Status

The Contractor, at all times, shall be an independent contractor and not an employee, servant, agent, partner, or joint venture of the School. The Contractor is solely responsible for their own workers' compensation and liability insurance. The School shall issue an Internal Revenue Service (IRS) Form 1099 to the Contractor as required by law for the payments made under this Agreement. The Contractor acknowledges and agrees that none of the Contractor's service providers, employees, agents, contractors, subcontractors, or assignees performing any work or providing any services under this agreement shall be considered employees of the School with respect to any federal, state, or local laws. The Contractor shall be responsible for, and shall pay for any wages, benefits, charges, fees, and/or taxes including social security taxes, health care charges/taxes, workers' compensation taxes, unemployment taxes, STRS/SERS contributions, and/or any other governmental charges or taxes required to be paid on behalf of the Contractor's service providers, employees, agents, contractors, subcontractors, or assignees performing any work or providing any services under this Agreement. The provisions of this section shall survive termination of this Agreement.

BND Consulting, LLC, will submit invoices on or before the 15th of each month, for services rendered during the preceding month to be paid within 30 calendar days of submission. Time is billed in 15-minute increments and will be accompanied by a description of the service provided for each entry within the invoice.

Fees for Services delivered by Brittany Duffy, MA, BCBA, COBA with BND Consulting, LLC.

\$200 per hour for the following services:

- Direct service/ongoing training/supervision of school staff/RBT on implementation of goals, safety plan, and behavior support plan – Supervision hours must be at least 5% of RBT hours (3-5 hours per month)
- Professional Development Training for staff working with students as requested
- Modification as needed to the behavior plan and/or safety plan



- Complete/update FBA (as needed)
- Data collection/observations of student as needed
- Attendance to school IEP/progress meetings as requested
- Services may be in person or remote by request of either party, same fees apply

Brittany Duffy, MA, BCBA, COBA
BND Consulting, LLC

Angela Macwhinney, Director of Special Education
Delaware City Schools

Date

BND
CONSULTING, LLC



Members-only attachment

Exhibit 6.4



Members-only attachment

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T-Mobile Project 10Million Agreement (General)

This T-Mobile Project 10Million Agreement (General) (“**Agreement**”) is effective as of the date the second Party signs this Agreement below (“**Agreement Effective Date**”), and is by and between T-Mobile USA, Inc., a Delaware corporation (“**T-Mobile**” or “**Contractor**”), and Delaware City Schools, a(n) Ohio City Schools, with its principal place of business at 74 W William St, Delaware, OH 43015 (“**Customer**”).

1. **Term.** The term of this Agreement will continue for as long as there is a line of Service that is active under this Agreement (“**Term**”). Each line of Service activated under this Agreement will have the service term associated with the rate plan (described in Section 3 below) that such line is on (the “**Service Period**”). A line’s Service Period begins on the date of activation of such line of Service.
2. **Underlying Agreement.** Customer agrees to purchase wireless mobile Services and Devices from T-Mobile, and T-Mobile agrees to provide the Services and Devices to Customer based on the prices listed below. The terms of Customer’s purchase and use of the Services will be governed by this Agreement and the NASPO ValuePoint Contract No. MA176 and applicable Participating Addendum (“**Master Agreement**”).
 - (a) The terms and conditions of this Agreement or the Master Agreement will not be modified or superseded by any terms and conditions in a Customer-generated Purchase Order. Purchase Orders will have no force or effect other than to denote quantity, the products or services purchased, delivery destinations, requested delivery dates and any other information required by this Agreement.
 - (b) In the event the Master Agreement is terminated or expires and is not renewed prior to the expiration of the Term of this Agreement, T-Mobile may enter into a follow-on master agreement for the period after termination or expiration of the Master Agreement (a “**New Master Agreement**”), in which case the New Master Agreement will be substituted for the existing Master Agreement for the remainder of the Term, and the terms and conditions of the New Master Agreement shall supersede and replace the terms of the existing Master Agreement. In the event the Master Agreement is terminated or expires and is not renewed prior to the expiration of the Term, and T-Mobile does not enter into a New Master Agreement, then Customer and T-Mobile will: (i) mutually agree to amend this Agreement in order to transition it under another available master agreement to be substituted for the Master Agreement; or (ii) enter into a mutually agreeable alternative agreement to be substituted for the Master Agreement.
 - (c) Notwithstanding anything to the contrary in this Agreement, following the expiration of a line’s Service Period, T-Mobile will continue to provide the Services to Customer for such line under the pricing, discounts and other terms and conditions set forth in this Agreement, or, with 30 days’ advance notice to Customer, at standard list pricing, until either party provides 30 days’ advance written notice to terminate the Service for such line.

3. **Offer/Pricing. Mobile Rate Plans include Mobile Device as listed below:**

Rate Plan	Service Period	Monthly Recurring Charge/Line	Features ¹	Device Cost (Hotspot) ²
Project 10Million \$12 100GB per Month Plan	24 months	\$12	Up to 100GB of high-speed data per month per line.	\$0
Project 10Million 2-year Unlimited Plan	24 Months	\$15	Unlimited on device 4G LTE data	\$0
Project 10Million 1-year Unlimited Plan	12 Months	\$20	Unlimited on device 4G LTE data	\$0

Project 10Million MTM Unlimited Plan	Month-to-Month	\$25	Unlimited on device 4G LTE data	\$0
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¹ During congestion, Project 10Million customers may notice speeds lower than other customers due to data prioritization. Video typically streams at DVD quality (480p). Limited time offer; subject to change. Available lines are limited. Intended for student mobile connectivity. Roaming not available. Annual data service ends at earlier of 100GB or 365 days; monthly data service ends at 100GB on \$12 plan. Excessive switching between data allotments may be limited. Monthly data service ends at 100GB on \$12 plan. Monthly data service ends at 100GB on \$12 plan. **Video streams** at up to 2.5Mbps (SD). Optimization may affect speed of video downloads; does not apply to video uploads. For best performance, leave any video streaming applications at their default automatic resolution setting. **Coverage** not available in some areas. **Network Management:** Service may be **slowed, suspended, terminated, or restricted** for misuse, abnormal use, interference with our network or ability to provide quality service to other users, or significant roaming. During congestion the small fraction of customers using >50GB/mo. may notice reduced speeds until next monthly cycle due to data prioritization. See T-Mobile.com/OpenInternet for details. See **Terms and Conditions** at www.T-Mobile.com for additional information. Monthly Regulatory Programs (RPF) & Telco Recovery Fee (TRF) totaling \$2.10 per data only line (\$0.12 for RPF & \$1.98 for TRF) currently applies and are subject to change upon notice. The form of T-Mobile's notice may include without limitation, providing written notice to any address listed in the Agreement for Customer or any address T-Mobile uses for billing or as set forth in an Order. Customer agrees that such notice is reasonable and sufficient notice of T-Mobile's pending action.

² This free hotspot offer is subject to inventory availability. Specific hotspot device type(s) provided to Customer is at T-Mobile's discretion. Eligible end users ("**Eligible Students**") must be a K-12 student enrolled in a school within Customer's school district (if Customer is a school district) or enrolled in the school (if Customer is a school). Limit of one free hotspot device per Eligible Student.

*Prices do not include applicable taxes and surcharges, and do not include CALNET administrative fee of 1%, which will be paid by Customer; not qualified for any further aggregate volume discount.

4. Total Order. Customer agrees to order the following lines of Service and Devices:

Total # of Lines of Service	Rate Plan	Applicable Term Length	Total Service Charge for Term ¹	Individual Device Value (Zero Cost to Customer)
NA	Project 10Million \$12 100GB per Month Plan	24 Months	NA	NA
40	Project 10Million 2-year Unlimited Plan	24 Months	\$14400.00	NA
NA	Project 10Million 1-year Unlimited Plan	12 Months	NA	NA
NA	Project 10Million MTM Unlimited Plan	Month-to-Month	NA	NA

TOTAL CUSTOMER COMMITMENT: \$14400.00²

¹ Total Service Charge for Term for each row is calculated by multiplying (i) the Total # of Lines of Service in the row, by (ii) the applicable Rate Plan amount per device, by (iii) the number of months in the Applicable Term Length. If the Applicable Term Length is Month-to-Month, then the Total Service Charge for the Term is TBD.

² Total Customer Commitment is calculated by adding together the Total Service Charge for Term for each row.

*Amounts above do not include applicable taxes and surcharges, and do not include CALNET administrative fee of 1%, which will be paid by Customer; not qualified for any further aggregate volume discount.

5. (a) Additional Stipulations.

- Customer must utilize the Devices from T-Mobile with an activated line of Service based on one of the rate plans listed above under its Master Account.
- Customer agrees that it cannot change or move the lines of Service to a different or lower rate plan during the lines' Service Period and if it does, Customer will reimburse T-Mobile as set forth in Section 5(c) below.
- Each line of Service and each Device must be activated in accordance with the terms of the Master Agreement.
- The free Device described in the rate plans above cannot be combined with any other discount or promotional offers.
- Customer's account must remain in good standing with T-Mobile to receive the Device Discount.
- Each line of Service must be activated and maintained for at least the full length of such line's applicable Service Period (e.g., 12 months or 24 months), provided that Customer may suspend lines up to 60 days during the summer months while Customer is not in session; however, the Service Periods for those lines with 12-month and 24-month Service Periods will be extended by the applicable number of months of suspension when calculating whether or not such lines have completed their 12-month and 24-month Service Periods (as applicable), and the months while the lines are suspended will not qualify to meet the applicable Service Period.

(b) Early Termination or Suspension of Service Period; Hotspot Repayment. If any line of Service that received a free Device is terminated or suspended (without reactivation within 60 days of such termination or suspension) prior to the end of the applicable Service Period, then Customer agrees to reimburse T-Mobile

a pro rata portion of the Individual Device Value (identified in the table in Section 4 above) equal to 1/12th (for lines with 12-month terms) or 1/24th (for lines with 24-month terms), as applicable, of the Individual Device Value for each month remaining in the Service Period. For purposes of the Device repayment in this subsection (b), lines of Service that are Month-to-Month will be treated as having a 12-month term. For example, if Customer has 100 Devices (each with an Individual Device Value of \$84) and those Devices have associated lines of Service with a 12-month Service Period (or Month-to-Month), and Customer terminates all 100 lines after the seventh month of the Service Period has ended (leaving 5 uncompleted months in the Service Period), then Customer will repay T-Mobile an amount calculated by multiplying (i) \$84, by (ii) 5/12ths, by (iii) 100 Devices, equaling a total repayment amount of \$3,500. T-Mobile will charge Customer the repayment amount for each line of Service terminated or suspended before the end of the applicable Service Period on Customer's monthly bill.

6. **Privacy.** If Customer allows end users under the age of 13 to use the Services, Customer and T-Mobile agree to the terms and representations contained in the "COPPA Notice Addendum" attached as Exhibit A to this Agreement. Customer, and not T-Mobile, will be fully responsible for any claims relating to Customer's failure to: (i) properly notify Eligible Students about any data collection and/or monitoring of use of the Services and Devices; or (ii) collect any necessary consent relating to an Eligible Student's use of the Services and Devices.
7. **Prepayment.** Customer may, at its option, prepay in whole or in part Customer's total fee commitment for Services and Devices ordered under this Agreement. With respect to any such prepayment (or any other related payment), Customer is solely responsible for ensuring Customer's compliance with all applicable Federal, State and Local funding source and procurement laws, rules and regulations (including, without limitation, laws, rules and regulations under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and Customer represents and warrants compliance with the same.
8. **Emergency Connectivity Fund; SPI Invoicing.** If Customer is participating in the Emergency Connectivity Fund (ECF) program in connection with this Agreement, Customer is solely responsible for ensuring Customer's compliance with all applicable ECF program-related laws, rules, regulations and terms and conditions of participation. Additionally, if Customer has requested that T-Mobile invoice the federal government for reimbursement of the discountable amounts of the ECF equipment and services (i.e., the SPI invoicing method), Customer has read and agrees to the terms and conditions of the Emergency Connectivity Fund Service Provider Invoice (SPI) Affirmation attached as Exhibit B.
9. **Primary Contacts:** The primary contact individuals for this Agreement are as follows (or their named successors):

T-Mobile/Contractor

Name:	
Address:	c/o T-Mobile USA, Inc., 12920 SE 38 th Street, Bellevue, WA 98006
Telephone:	(425) 383-4000
Email:	David.Bezzant@T-Mobile.com

For Legal Notice – send a copy to:

Name:	Legal Department – Sales & Distribution, T-Mobile USA, Inc.
Address:	12920 SE 38 th Street, Bellevue, WA 98006

Customer:

Name of School/ Contact Name:	Delaware City Schools/Jill Corwin
Address:	74 W William St, Delaware, OH 43015
Telephone:	(740)833-1100
Email:	

This Agreement is executed by each Party's authorized representative as of the Agreement Effective Date.

Customer: Delaware City Schools	Contractor: T-Mobile USA, Inc.
Signature:	Signature:
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:

EXHIBIT A**COPPA Notice Addendum**

T-Mobile is providing Customer with direct notice of its data collection, use and disclosure practices set forth below that relate to the Service(s). Customer has read this notice, consents on behalf of parents and guardians of children under 13 to the collection, use and disclosure practices described below, and authorizes T-Mobile to engage in such practices.

Direct Notice of T-Mobile's Data Collection, Use, and Disclosure Practices

We need your consent to collect personal information from your child(ren) in connection with the T-Mobile for Education service. We will not collect, use, or disclose any personal information from children under 13 if you do not provide such consent. This privacy notice describes the personal information we collect and how we use it. The Federal Trade Commission has stated that a district or school may consent to such data collection, use, and disclosure on behalf of the parent or guardian to the extent such data collection, use, and disclosure is to provide services solely for the benefit of the school.

T-Mobile intends to collect the following personal information from your child(ren):

- Data Usage: T-Mobile tracks quantity of broadband internet data usage to have that usage total counted against applicable data usage/streaming limits, if any. As part of delivering this service, T-Mobile also receives the IP address associated with the websites visited.
- Unique identifiers: T-Mobile collects a device and network identifier to authenticate the device on our network and provide the service.
- Bandwidth data: T-Mobile may share device-level bandwidth data with the educational institution at the educational institution's specific request, to allow the educational institution to stay informed on devices that exceed applicable data usage/streaming limits.

T-Mobile uses this personal information only to provide internet connectivity and perform internal analytics. T-Mobile may disclose this personal information to its service providers for assistance in delivering the service, and they must treat this information as confidential and use it only for the purposes for which T-Mobile engaged them. T-Mobile may disclose this personal information to Customer upon Customer's request to assist in delivering and improving the services, and they must treat this information as confidential and use it only for those purposes. T-Mobile will not disclose information that may be associated with your child to any other entities.

Please be advised that T-Mobile provides connectivity to the general internet through the T-Mobile for Education service. That connectivity allows children to access websites that may involve data collection by third parties. T-Mobile is not responsible for the data collection activities of these third parties and you should carefully monitor your child's use of the service.

For more information, please visit "Our Privacy Policies" at <https://www.t-mobile.com/privacy-center/our-practices>.

EXHIBIT B
Emergency Connectivity Fund
Service Provider Invoice (SPI) Affirmation

T-Mobile U.S. Inc. (NASDAQ: TMUS) America's supercharged Un-carrier, is participating in the Emergency Connectivity Fund (ECF), a \$7.17 billion, federally funded, program that will help schools and libraries close the Homework Gap by providing funding for the reasonable costs of laptop and tablet computers; Wi-Fi hotspots; modems; routers; and broadband connectivity purchases for off-campus use by students, school staff, and library patrons in need during the COVID-19 pandemic.

ECF allows for participating schools and libraries to seek reimbursements for eligible service and equipment either directly from the government (BEAR invoicing method) or by requesting that the service provider invoice the government (SPI invoicing method). T-Mobile is participating in the SPI invoicing method for this program.

If requested to do so by the school or library, T-Mobile is willing to invoice the federal government rather than the school or library for payment. You must specify at the application stage which invoicing method you would like to use. If your school or library would like to use the SPI invoicing method, you must also submit evidence of T-Mobile's willingness, and may use this statement as an affirmation that T-Mobile is participating in SPI when completing your Form 471. We affirm our willingness to participate in the SPI invoicing method subject to the following:

Prior to the start of service and receipt of equipment, if any, Customers who select the SPI invoicing method will enter into and execute an applicable T-Mobile services contract for the provision of ECF broadband connectivity services. T-Mobile will file the SPI Form to request reimbursement for the discountable amounts of the ECF eligible equipment and services. Customer is responsible for all charges related to any ineligible equipment and services or services obtained but not contained in the description of the service commitment request or decision. Until the Universal Service Administrative Co. (USAC) has issued a funding commitment, Customer agrees to pay the balance in full as billed by T-Mobile. Customer must elect SPI to be billed only the non-discounted portion. Customer account credits applied may be estimates subject to true-up in a later billing period. Customer is responsible for all charges incurred until and unless ECF funding is approved and disbursed by USAC, at which time Customer will remain responsible for all ineligible services, feature charges, and any other ECF program amounts unfunded, including equipment. Also, Customers who chose the SPI invoicing method should be aware that if ECF funding ends before the term of their services contract, they will be subject to the agreed rate of service for the remainder of the contract, net of any subsidy.

For more information about ECF, please refer to the [FCC ECF](#) or [USAC ECF](#) websites.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Members-only attachment

Exhibit 6.5



Members-only attachment

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DCS | Willis 2nd Floor Corners

10 Year Licensing Proposal

Model	Description	Price/Unit	MSRP	% Disc.	Savings/Unit	Qty	Line Savings	Line Total
Cameras								
CY53-512E-HW	Verkada CY53-E Outdoor Two-Camera Multisensor, 2x5MP, Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention	\$1,393.33	\$2,299.00	39.39%	\$905.67	4	\$3,622.67	\$5,573.33
ACC-MNT-YPEND-1	Verkada Two-Camera Multisensor Pendant Cap Mount	\$78.18	\$129.00	39.39%	\$50.82	4	\$203.27	\$312.73
LIC-CAM-MLT2-10Y-CAP	Verkada 10-Year Two-Camera Multisensor License, Capacity Increase	\$2,423.64	\$3,999.00	39.39%	\$1,575.36	4	\$6,301.45	\$9,694.55
Installation Hardware								
	1-3 ft Cat6 Patch Cable	\$6.87				8		\$54.94
	Clinton drop down pole 6-17'	\$263.22				4		\$1,052.87
	Up to 40' conduit, fittings and installation	\$645.44				1		\$645.44
Installation Labor and System Configuration								
	Add cameras to system and configure	\$860.59				1		\$860.59
	Cat6 data drop including termination	\$430.29				4		\$1,721.17
	Install drop down poles	\$249.57				4		\$998.28
	Mount interior multi-sensor camera	\$499.14				4		\$1,996.56
	Project design and administrative fee	\$366.49				1		\$366.49
Shipping + Handling								
Shipping of all hardware								\$453.72
TOTAL DEPLOYMENT								\$23,730.66
84 Month Financing								\$502.57

Project Notes and Assumptions

DEPLOYMENT PROPOSAL TERMS & CONDITIONS

1. Scope - This proposal details a customizable Verkada deployment and related services. Changes to hardware and license terms upon request.
2. Pricing & Validity - Pricing is valid for (30) days from the date of issuance and does not include tax.
3. Payment Terms - Payment is due upon deployment proposal acceptance. Financing options are available upon request.
4. Lead Time & Scheduling - Installation lead time is subject to product and customer availability, confirmed at time of booking.
5. Payment terms are Due Upon Receipt. Hardware, license, and half of labor must be paid in order to order and schedule installtion. Remaining half of labor will be billed upon completion.

DCS | Willis Side Doors

10 Year Licensing Proposal

Model	Description	Price/Unit	MSRP	% Disc.	Savings/Unit	Qty	Line Savings	Line Total
Cameras								
CM42-256-HW	Verkada CM42 Indoor Mini Dome Camera, 5MP, Fixed Lens, 256GB of Storage, Maximum 30 Days of Retention	\$544.85	\$899.00	39.39%	\$354.15	2	\$708.30	\$1,089.70
LIC-CAM-10Y-CAP	Verkada 10-Year Camera License, Capacity Increase	\$1,332.73	\$2,199.00	39.39%	\$866.27	2	\$1,732.55	\$2,665.45
Installation Hardware								
	1-3 ft Cat6 Patch Cable	\$6.87				4		\$27.47
Installation Labor and System Configuration								
	Add cameras to system and configure	\$430.29				1		\$430.29
	Cat6 data drop including termination	\$430.29				2		\$860.59
	Mount interior dome camera	\$499.14				2		\$998.28
	Project design and administrative fee	\$115.83				1		\$115.83
Shipping + Handling								
	Shipping of all hardware							\$370.38
TOTAL DEPLOYMENT								\$6,557.99
84 Month Financing								\$136.12

Project Notes and Assumptions

DEPLOYMENT PROPOSAL TERMS & CONDITIONS

1. Scope - This proposal details a customizable Verkada deployment and related services. Changes to hardware and license terms upon request.
2. Pricing & Validity - Pricing is valid for (30) days from the date of issuance and does not include tax.
3. Payment Terms - Payment is due upon deployment proposal acceptance. Financing options are available upon request.
4. Lead Time & Scheduling - Installation lead time is subject to product and customer availability, confirmed at time of booking.
5. Payment terms are Due Upon Receipt. Hardware, license, and half of labor must be paid in order to order and schedule installation. Remaining half of labor will be billed upon completion.

DCS | Willis Stairs

10 Year Licensing Proposal

Model	Description	Price/Unit	MSRP	% Disc.	Savings/Unit	Qty	Line Savings	Line Total
Cameras								
CM42-256-HW	Verkada CM42 Indoor Mini Dome Camera, 5MP, Fixed Lens, 256GB of Storage, Maximum 30 Days of Retention	\$544.85	\$899.00	39.39%	\$354.15	4	\$1,416.61	\$2,179.39
LIC-CAM-10Y-CAP	Verkada 10-Year Camera License, Capacity Increase	\$1,332.73	\$2,199.00	39.39%	\$866.27	4	\$3,465.09	\$5,330.91
Installation Hardware								
	1-3 ft Cat6 Patch Cable	\$6.87				8		\$54.94
	Up to 40' conduit, fittings and installation	\$645.44				1		\$645.44
Installation Labor and System Configuration								
	Add cameras to system and configure	\$576.59				1		\$576.59
	Cat6 data drop including termination	\$430.29				4		\$1,721.17
	Mount interior dome camera	\$249.57				4		\$998.28
	Project design and administrative fee	\$199.83				1		\$199.83
Shipping + Handling								
	Shipping of all hardware							\$413.31
TOTAL DEPLOYMENT								\$12,119.86
84 Month Financing								\$254.51

Project Notes and Assumptions

DEPLOYMENT PROPOSAL TERMS & CONDITIONS

1. Scope - This proposal details a customizable Verkada deployment and related services. Changes to hardware and license terms upon request.
2. Pricing & Validity - Pricing is valid for (30) days from the date of issuance and does not include tax.
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4. Lead Time & Scheduling - Installation lead time is subject to product and customer availability, confirmed at time of booking.
5. Payment terms are Due Upon Receipt. Hardware, license, and half of labor must be paid in order to order and schedule installation. Remaining half of labor will be billed upon completion.

Exhibit 6.7

**6280 Harding Hwy
Lima, OH 45801
Phone 419-225-5552 Fax 419-225-5556**

QUOTE

QUOTE #07092026
DATE: JULY 9 2026

TO:
Delaware City
74 W. William St
Delaware OH 43015

SHIP TO:
Same

SALESPERSON	P.O. NUMBER	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
Wayne Vielra					Due on receipt

[illegible]

Make all checks payable to Cardinal Bus Sales & Service, Inc.

Thank you for your business!





Cardinal Bus Sales & Service, Inc.

New and Used Buses

6280 Harding Highway

Lima, Ohio 45801

(419)-225-5552

72 Passenger BBCV 3303

Propane Demo Unit, 800

Blue Bird Vision

Ford 7.3 Liter Propane Autogas engine
Ford 6R140 transmission
5 Year engine and transmission warranty
Brakes 16.5x5" front, 16.5x7" rear
Brake dust shields
Bendix AD-IP air dryer
Parking brake cover, EZ-Grip
12,000lbs Front axle, with oil seals
21,000lbs Rear axle, 6.14 ratio
Front springs, Softek 10,000lbs
Rear air suspension, Hendrickson, 21,000lbs
Front and rear tow hooks, rear below bumper
Tail pipe, side exhaust, left, stainless steel
Batteries 3-12 volts 3000 CCA
Battery box closeout, Battery cutoff switch
240 Amp alternator, Circuit breakers
Ammeter, Dash mounted clock
Transmission temperature gauge
98 Gallon B-F-R fuel tank, locking door, interlock
Fuel receptacle, euro-style
Cruise control, Ignition keyed alike
Tilt/Telescopic steering wheel
Accessory power point
11R 22.5 16 ply tires
Aluminum Hub-piloted wheels
Extra driver's insulation
Adjustable pedals
Fender mounted LED turn signals
LED Headlights
Rear and front view camera system, dash
Heater circulating pump
Rear stop arm- \$780
Camera-\$3,220
Price \$145,200

Headroom 77 inches
Stainless steel step well
16 Gauge side panels
Four rub rails painted black full width
Black rubber floor covering
Advantage Roof hatches
Dash mounted clock, Cup holder
Three heaters 190,000 BTUs
Complete insulation including roof bows
RH Modesty panel
Adjustable driver's shoulder harness
Green seat upholstery
LED strobing 8 Lamp system with LED stop arm
Seven-inch LED backup lights, side backup lights
Two spare circuits, 14ga wire
Reflective tape, complete package
Emergency equipment compartment
LED Strobe light, Marker lights, & Stepwell light
LED Brake, turn signal, and tail lights
AM/FM/PA Radio w/8 speakers & PA speaker
Premium Air ride driver's seat, cloth, and arm rest
Barrier mounted storage pouch
Treated plywood floor
Full length acoustic headliner
Air operated entrance door, with lock
IMMI Child restraint seats, 1st row
Tinted side windows, 28% light transmission
Tinted driver's window & entrance door glass
White painted roof
Glove compartment, dash mounted with door
Arm rest compartment, console mounted
Corrosion protection under body T-Wax
Heated/remote control side mirrors, ES heads
Cross view mirrors Eyemax, with LED illumination
Stainless steel mirror brackets
Trash can

Units meet all State of Ohio and Federal school bus specifications. Stock unit subject to prior sale.

Demo 5-4-26 META