



PERSONNEL HANDBOOK

2025 - 2026

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GOAL DIGITAL ACADEMY

2025/2026 SCHOOL CALENDAR - STAFF

Revised: 4/23/2025

AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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31																					30													

JANUARY							FEBRUARY							MARCH							APRIL							MAY							
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	First Day of School: 8/19		Labs Closed: School in Session		Interims/Grades: 1st Quarter: 9/21 due 9/23		Teacher Work Day: 8/15, 8/18, 1/5, 5/26
	Labs Reopen: 1/6		Seniors 2026 Senior Huddles: 4/13-4/17		2nd Quarter: 11/23 due 11/25		Orientations Begin: 8/1
	Last Day of School: 5/22		Seniors Assignments Due: 5/17		3rd Quarter: 2/15 due 2/17		New Staff Training: 8/6-8/7
	No School: Labor Day: 9/1		2026 Graduation: 5/21		4th Quarter: 4/26 due 4/28		Scholarship Early Release 11/7, 3/27
	Thanksgiving: 11/27-11/28		Art Show & Sale: 5/8		Parent Teacher Conferences: 10/1, 12/10, 2/12, 4/8		
	Christmas: 12/22-1/4		All Staff 8/14, 9/19, 12/4, 3/13, 5/27		Quarters/Grades: 1st: 8/19-10/19 due 10/21		
	M.L. King Day: 1/19				2nd: 10/20-1/4 due 1/6		
	Spring Break: 3/30-4/3				3rd: 1/6-3/15 due 3/17		
	Memorial Day: 5/25				4th: 3/16-5/22 due 5/26		

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1. Introduction

A. Welcome

Welcome to GOAL Digital Academy! Goal Digital Academy (“GOAL” or the “School”) has prepared this Handbook to be a helpful reference on the operational aspects of our school and its policies, procedures, and services. This Handbook should further assist with understanding the mission, goals, and vision of the School, as well as provide guidelines for your employment experience with us in an effort to foster a safe and healthy work environment.

This Handbook is given to each employee as a matter of information only and summarizes the School’s policies and procedures. The School’s Board of Directors and Administration reserve the right to modify, revoke, suspend, and/or terminate/change any policies or procedures and the content of this Handbook at any time. This Handbook is not intended to create nor is it to be construed as a contract of employment with any individual employee or any group of employees.

If there is a conflict between the information in this Handbook and any law, rule, policy, or regulation of the United States, State of Ohio, Ohio Department of Education, or GOAL Digital Academy Board of Directors, the law, rule, policy, regulation is the controlling authority.

Please carefully read and become familiar with this Handbook. If you have any questions, please ask your supervisor or contact the Superintendent.

B. School Vision and Mission

Vision

Everyone is known, valued, and successful.

Mission

GOAL is dedicated to the success of all students by providing flexible, supportive, student-centered programming in a caring and innovative environment.

Goal Statement

GOAL will provide equitable access to universal supports aligned to academic and SEL outcomes.

GOAL will instill expectations for students, staff, and administration in all aspects of success.

GOAL will create a communication plan that fosters meaningful engagement among all stakeholders.

GOAL will establish leadership structures that promote success for all students, families, and professional educators.

2. General Information

A. GOAL Digital Academy Board of Directors

Larry Hickman, Chair
Debbie Curtis, Vice Chair
James Peterson, Member
Greg Nickoli, Member
Doug Ute, Member
Dave Jones, Mid-Ohio Director of Community Schools
Steve Earnest, Treasurer

The GOAL Board of Directors meets on the first Thursday of even-numbered months at 8:00 am at the Goal Marion Lab. If the Board opts to change the date of the meeting it will be advertised on the website and the Mid-Ohio ESC website. GOAL Board Meetings will be held: October 2, 2025; December 4, 2025; February 5, 2026; April 9, 2026; June 4, 2026; and August 6, 2026.

To contact the Board of Education office:
890 W. Fourth St.
Mansfield, OH 44906
Phone: 419-775-4809, ext. 1103
Fax: 419-529-2976

B. GOAL Digital Academy School Administration

Superintendent/Director of GOAL Digital Academy: Tish Jenkins
Phone: 419-775-4809, ext. 1101
Fax: 419-529-2976
Email: tjenkins@mygda.org

Executive Assistant to Superintendent: Diane Moore
Phone: 419-775-4809, ext. 1103
Fax: 419-529-2976
Email: dmoore@mygda.org

Director of Operations/Principal: Jeff Grimmatt
Phone: 419-775-4809, ext. 1108
Fax: 419-529-2976
Email: jgrimmatt@mygda.org

Assistant Director of Technology: Wes Brooks
Phone: 419-775-4809, ext. 1107
Fax: 419-529-2976
Email: wbrooks@mygda.org

K-8 Director: Kelli Fisher and Amanda Waggoner
Phone: 419-775-4809, ext. 1201 or 1216
Fax: 419-960-4915
Email: kfisher@mygda.org or awaggoner@mygda.org

Director of Special Education: Stephanie Bowers
Phone: 419-775-4809, ext. 1303
Fax: 419-529-2976
Email: sbowers@mygda.org

Director of Partnerships & Family Engagement: Jessica Caughlan
Phone: 419-775-4809, ext. 1903
Fax: 419-529-2976
Email: jcaughlan@mygda.org

Assistant Principal: Jason Calder
Phone : 419-775-4809, ext. 1212
Cell Phone: 567-202-2359
Fax: 419-529-2976
Email: jcalder@mygda.org

School Psychologist: Elisabeth (Lisa) Kraemer
Phone: 419-775-4809, ext. 1124
Fax: 419-529-2976
Email: ekraemer@mygda.org

C. School Policies

GOAL Digital Academy Board Policies are available on the School's website at:
<http://www.goaldigital.org/board.html>

In the event of a conflict between this handbook and the Board Policies, the Board Policies shall control.

3. Privacy and Records

A. Personal Information Systems (Policy 9.06)

The Board of Directors shall maintain, from time to time, personal information systems which relate to students, teachers or other employees. The guidelines for the operation of such personal information systems are as follows.

A. Operation of a System

1. The Superintendent or designee shall be directly responsible for the operation of all personal information systems.
2. Every employee who has any responsibility for the operation or maintenance of a system or the personal information contained in a system shall receive a copy of these rules and regulations and shall conduct themselves in accordance with them, as well as the provisions of O.R.C. Chapter 1347.
3. The purpose of these rules is to assure that the personal information within a system is used as authorized and that the subject of any information is aware of the information and is able to challenge its presence within the system.
4. Any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who gives evidence of unauthorized use of information contained in the system shall be subject to the disciplinary measures of the School, which can include suspension and/or termination of their employment.

B. Personal Information in a System

1. Any person who is asked to supply personal information for a system shall be advised that they may refuse to supply the requested information unless there is a legal requirement that they provide the information, in which case, they shall be advised of that requirement.
2. The personal information collected, maintained, and used within a system shall be necessary and relevant to the numerous functions of the School as required or authorized by statute, regulation or rule or necessarily inferred from those sources.
3. Personal information which is no longer necessary and relevant to those functions shall be eliminated from a system at the earliest opportunity in accordance with Ohio law.
4. The personal information in a system shall be used in a manner consistent with the purpose of the system and functions of the School.

C. Access to Personal Information

1. Any person who is the subject of the personal information system or his/her legal guardian or representative with a signed authorization from the person shall have the ability to inspect the personal information in the system relating to said person at reasonable business hours by arranging a prior appointment.
2. Copies of personal information documents may be obtained upon the payment of reasonable reproduction costs.

3. Except for those employees who, as part of their job responsibility, have access to a personal information system from time to time, all persons who have access to a personal information system shall be required to note their name and any other information requested by the Superintendent or designee in a manner prescribed by the Superintendent or designee.
4. The provisions of this policy and the existence of a personal information system shall not prohibit the release of public records or the disclosure of personal information in a public record as provided in O.R.C. §149.43, except that the access to any student information shall be limited only to directory information in accordance with O.R.C. §3319.321 and the Family Education Rights and Privacy Act and any rules, regulations or policies adopted by the Board thereunder.
5. The release of personal information to members of the general public which is contained within a public record is not an improper use of personal information.

D. Dispute of Personal Information

1. If any person disputes the accuracy, relevance, timeliness, or completeness of personal information relating to him/her and maintained by the School, said person may request an investigation of the current status of the information by filing a written request with the Superintendent or designee.
2. Upon receipt of the investigation request, the Superintendent or designee shall, within a reasonable time, but not later than 90 days after receipt, conduct a reasonable investigation to determine whether the disputed information is accurate, relevant, timely and complete.
3. The Superintendent or designee shall present the results of the investigation in writing to the Board, with a copy of said report being furnished to the disputant.
4. The Board shall, after receipt of the investigation report, decide what action it intends to take regarding the disputed information and shall notify the disputant of its action.
5. Any personal information that the Board, through this investigation process, cannot verify or finds to be inaccurate shall be deleted from the system.
6. If the disputant is not satisfied with the determination and action of the Board, the disputant shall be permitted to place a brief statement of his/her position within the system consisting of not more than one hundred (100) words.
7. Any statement of dispute shall be included in any subsequent transfer, report, or dissemination of the disputed information and, if the Board or the Superintendent believes the statement of dispute to be frivolous or irrelevant, a statement of that belief may also be included.

8. If any information is deleted because the Board found the information to be unverified or irrelevant, or if a statement of dispute has been filed, upon written request of the disputant, notice of such a deletion or a copy of the disputed statement shall be sent to any person specifically designated by the disputant; however, such person shall be someone who is reasonably aware of the existence of the disputed information.
9. The disputant shall be notified of this right to make such a request in a clear and conspicuous manner such as on the notice of the Board's action.

E. Procedures in the Event of a System Breach

1. The School shall disclose any breach of the security of the system, following its discovery or notification of the breach of the security of the system, to any Ohio resident (as reflected in the School's records) whose personal information was, or reasonably is believed to have been, accessed and acquired by an unauthorized person if the access and acquisition by the unauthorized person causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident. To the extent that the School, on behalf of or at the direction of a state agency or agency of a political subdivision, is the custodian of or stores computerized data that includes personal information, it shall notify that state agency or agency of a political subdivision of any breach of the security of the system in an expeditious manner, if the personal information was, or reasonably is believed to have been, accessed and acquired by an unauthorized person and if the access and acquisition by the unauthorized person causes or reasonably is believed will cause a material risk of identity theft or other fraud to an Ohio resident.
2. The disclosure shall be made in the most expedient time possible but not later than 45 days following its discovery or notification of the breach in the security of the system, subject to the legitimate needs of law enforcement activities and consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired, and to restore the reasonable integrity of the data system. The School may delay the disclosure or notification if a law enforcement agency determines that the disclosure or notification will impede a criminal investigation or jeopardize homeland or national security, in which case, the School shall make the disclosure or notification after the law enforcement agency determines that disclosure or notification will not compromise the investigation or jeopardize homeland or national security.
3. Disclosure may be made by any of the following methods:
 - a. Written notice;
 - b. Electronic notice if the School's primary method of communication with the resident to whom the disclosure must be made is by electronic means;
or
 - c. Telephone notice.

4. If the School discovers circumstances that require disclosure to more than 1,000 Ohio residents involved in a single occurrence of a breach of the security of the system, the School shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the disclosure given by the School to the Ohio residents. The School will not delay any disclosure or notification required under Paragraph E(1), in order to make the notification required by this Paragraph E(4).

B. Public Records (Policy 9.07)

Members of the public have the right to inspect and copy the public records of this School. Upon request, the School will promptly prepare and make available within a reasonable period of time for inspection public records that are responsive to the request to any person at all reasonable times during regular business hours.

The public records of this School shall mean any record, as defined by Ohio's Public Records Law, which has been kept by the Board of Directors or its officials, except medical records, records pertaining to physical or psychiatric examination, Social Security numbers, adoption, probation and parole proceedings, infrastructure records, security records, trial preparation records, and records the release of which is prohibited by state or federal law.

Records may be inspected and/or copied during the regular business hours of the office in which such records are kept. Reasonable advance notice may be required when immediate inspection or copying will unduly burden the custodian of the records.

Upon request, copies of the public records of this School are available at cost as determined by the Superintendent. The School may require the requester to pay in advance the cost involved in providing the copy of the public record.

No public record may be removed from the office in which it is maintained.

If a public records request is ambiguous or overly broad, or the person making the request has difficulty making the request for copies or for inspection to the extent that the School is unable to reasonably identify the records being requested, the School may deny the request for records. However, the School must provide an opportunity to revise the request by informing the requester of the manner in which the records are maintained and accessed in the ordinary course of the School's duties.

If a request for records is ultimately denied in whole or in part, the School will provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was in writing, the School shall provide the explanation for denying the request in writing. Exempt information will be redacted by the School, and the requester will be notified of the redaction or the redaction will be made plainly visible.

If the information would benefit the requester by enhancing the School's ability to identify, locate, or deliver the records requested, the School may ask for the request to be in writing, may ask for the requester's identity, and inquire as to the intended use of the information requested, but may not require it. Before asking for the request to be in writing, the identity of the requester, or the

intended use of the information, the School must disclose that the requester may decline to provide the information requested by the School.

The School will also have available a copy of its current records retention schedule at a location readily available to the public.

The custodian of records and other School personnel responsible for the inspection and/or copying of public records shall be provided a copy of this policy and shall acknowledge receipt.

This policy shall be reproduced in the form of a poster and posted in a conspicuous place in the Board office/administration building and in all School buildings. This policy shall also be included in any employee manual or handbook.

To ensure that the School complies with the requirements of Ohio's Public Records law, all Board members or their appropriate designees shall attend training approved by the Ohio Attorney General as provided in O.R.C. §109.43.

The School is not required to allow the requester to make copies of the public record.

Transmittal of Public Records by Mail

The Fiscal Officer or other custodian of public records shall transmit a copy of a public record by mail within a reasonable period of time after receiving the request, provided that the person making the request pays in advance the cost of postage and other supplies used in the mailing, or supplies the Fiscal Officer with a self-addressed envelope with sufficient postage affixed.

The number of records requested for transmittal by mail by any person shall be limited to ten per month, unless the person certifies in writing that he/she does not intend to use or forward the requested records or the information contained in them for commercial purposes. For purposes of this policy, "commercial" shall be narrowly construed and does not include the reporting or gathering of news, reporting or gathering of information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

C. Student Records (Policy 6.16)

The educational interests of the student require the collection, retention, and use of information about individual students. At the same time, the student's right of privacy and other rights mandate careful custodianship and limitations on access to student records.

The Board of Directors is responsible for the records of all students who attend or have attended this School. Only records mandated by the state or federal government and necessary and relevant to the function of the School or specifically permitted by this Board may be compiled by School employees.

I. DEFINITIONS

- A. “Education Records” means those records, files, documents and other materials, subject to the exceptions listed hereinafter, which contain information directly related to a student and are maintained by the School or by a party acting for the School. Education records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of such personnel, are used only as a personal memory aide, and are unavailable to any other person except a substitute.
- B. “Personally identifiable information” includes, but is not limited to, the name and address of the student or student’s family members; a personal identifier, such as social security number, student number, or biometric record; an indirect identifier, such as date of birth, place of birth, or mother’s maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.
- C. “School officials and personnel” are persons employed by the School as administrators, supervisors, instructors, or support staff members (including health or medical staff and law enforcement unit personnel), and persons serving on the School’s Board of Directors. School officials and personnel may also include contractors (for example, an attorney or auditor), consultants (for example, a medical consultant or therapist), volunteers, or other parties who perform a school service or function, are under the direct control of the Board, an administrator, or a teacher, and are subject to the nondisclosure requirements of this policy.

II. GENERAL PRINCIPLES

The School maintains student education records necessary for the discharge of its educational responsibilities and in satisfaction of local, state and federal requirements. Student education records are and shall remain the property of the School, are intended primarily for the internal use of the School, and are confidential.

In all cases, permitted, narrative information in student records shall be objectively based on the personal observation or knowledge of the originator.

The Superintendent shall be the custodian of all student education records; provided, however, that the building principal or his/her designee shall be responsible for record maintenance and access within his/her building.

Personally identifiable information from student education records shall be disclosed only to parents of students, students, designated school officials and personnel who have a legitimate educational interest in the information and to those persons otherwise permitted by law. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. A noncustodial parent shall have the same right of access to his/her child's records as a custodial parent, except where access is limited by an agreement between the parents or by a court order. In the case of adult students (18 years and older), parents may be allowed access to records without student consent, provided the student is considered a dependent under section 152 of the Internal Revenue Service Code, or in a health or safety emergency. Students and their parents and guardians have a continuing duty to inform the custodian of any changes in education records.

The Board authorizes the administration to:

- A. forward education records on request to a school in which a student of this School seeks or intends to enroll, or a school in the resident district for the student. During the course of transferring a student's record to an educational institution for legitimate educational purposes, the School shall not alter, truncate, or redact any part of a student's record so that any information on the student's record is rendered unreadable or unintelligible;
- B. disclose personally identifiable information to appropriate parties as permitted by federal regulations and state laws;
- C. enter into written agreements pursuant to the requirements set forth in federal regulations with organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction;
- D. enter into written agreements pursuant to the requirements of federal regulations with the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education, or the Ohio State Board of Directors for the purpose of carrying out an audit or evaluation or to comply with federal legal requirements, and to use reasonable methods, as appropriate, to ensure to the greatest extent possible that personally identifiable information is used only to carry out an audit or evaluation, or for enforcement or compliance with federal legal requirements, to protect personally identifiable information from unauthorized uses, and to provide for the destruction of personally identifiable information when no longer needed for these purposes; and
- E. inform each person or party requesting access to a student's record of their duty to abide by federal regulations and state laws concerning the disclosure of information.

The School shall maintain a record of those persons to whom information about a student has been disclosed. The record of disclosure shall be maintained as long as the educational record is maintained. Such disclosure records will indicate the student, person requesting or viewing the record, information disclosed, the date of disclosure, the legitimate interest the party had in requesting or obtaining the information, and, in a health or safety emergency, a description of the threat to the health or safety of a student or other individuals that formed the basis for determining that an emergency existed. The School shall use reasonable methods to identify and authenticate

the identity of parents, students, school officials, and any other parties to whom personally identifiable information is disclosed.

Parents or adult students shall have the right to inspect and review official student records and related information upon written request to the principal of the building to which the student is assigned. An appointment for the review of the records will be made at a mutually convenient time as soon after the receipt of the written request as possible but in all cases within forty-five (45) days of the receipt of the written request. The review will be conducted in a private setting in the presence of the principal or designated representative.

Copies of the records will be provided when required by law, upon request, at the parent's or eligible student's expense. No material may be removed, modified, or added to the file except in accordance with current procedures or as a result of a hearing as described below.

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is eighteen (18) years of age or older, the written consent of the student, except those persons or parties stipulated by the School's policy and/or those permitted access by the law. Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of directory information, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

Pursuant to Ohio's Student Privacy Act, R.C. 3319.321, the School shall not release, or permit access to, personally identifiable information, other than directory information, concerning any former adult student following such person's death, without the prior written consent of such person.

III. DIRECTORY INFORMATION

Each year the School will provide public notice to students and their parents of its intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information": a student's name; address; telephone number; date and place of birth; photograph; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance at the School; grade level; date of graduation; degrees, honors and awards received; most previous educational agency or institution attended by the student; e-mail address or any other information which would not generally be considered harmful or an invasion of privacy, if disclosed. Directory information does not include a student's Social Security number or the student's identification number, user identification, or other unique personal identifier, unless the identifier cannot be used to gain access to education records except when used in conjunction with authenticating information.

Parents and adult students may refuse to allow the School to disclose any or all of such "directory information" upon written notification to the School within twenty (20) days after receipt of the School's notice. The School will not release directory information that alone or in combination can be used as personally identifiable information to identify a student.

The School shall release the names, phone numbers, addresses, and electronic mail addresses of students in grades nine through twelve (9-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education that requests such information. Such data shall not be released if the adult student or student's parent submits a written request not to release such information. The notice to parents or eligible students shall inform the parent or eligible student that they have a right to prohibit all or a portion of the information to be released. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Notwithstanding the provisions set out above, no person shall release or permit access to the names or other personally identifiable information concerning any students attending a public school to any person or group for use in a profit-making plan or activity.

The School may disclose "directory information" on former students without student or parental consent.

IV. NOTIFICATION OF RIGHTS UNDER FERPA

The Superintendent annually shall provide notice to students and parents to ensure they are adequately informed regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent or adult student believes the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. consent to disclosures of personally identifiable information contained in the student's education records, except to those disclosures allowed by the law;
- D. challenge School noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the Department of Education; and
- F. obtain a copy of the School's policy and administrative guidelines on student records.

V. PROCEDURE TO CHALLENGE OR AMEND STUDENT RECORDS

The parent of a student or an eligible student who believes that information contained in the educational records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request in writing that the records be amended.

The principal shall notify the parent or eligible student of the decision relative to the request and if the request is denied, the principal shall advise the parent or eligible student of the right to appeal the decision to the Superintendent.

Parents or adult students shall have an opportunity for a hearing to challenge the contents of the student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Such hearings shall be requested in writing of the Superintendent.

Such a hearing will be held within a reasonable time after receipt of the written request for the hearing but in no event later than forty-five (45) days following the date of receipt. The parties shall receive notice of the time and place of the hearing. The hearing will be conducted by the Superintendent or a designated hearing officer.

The hearings shall be conducted informally, and the parent will be afforded the opportunity to present data, evidence, and opinions in support of his/her position and may be assisted or represented by individuals of his/her choice at the parent's expense. For the purpose of the hearing, copies of the student record in question will be provided the parent at the parent's expense.

The hearing officer shall have the right to summon such school personnel as may be necessary to provide information and data to arrive at a fair and impartial decision in the matters at question. The findings of the hearing officer shall be reduced to writing and forwarded to the parties involved within ten (10) school days following the conclusion of the hearing. The ruling shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

If the decision is that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the hearing officer shall inform the parent or adult student of the right to place in the educational records of the student a statement commenting upon the information and/or setting forth any reasons for disagreeing with the decision. Such statements shall be maintained as part of the educational records as long as the record or contested portion thereof is maintained by the school.

VI. MAINTENANCE OF RECORDS

The School is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

The Board directs the Superintendent to implement and maintain a reasonable method, consisting of physical controls, technological controls, or administrative policies, to limit access by school officials to those education records in which they have a legitimate educational interest.

No liability shall attach to any member, officer, or employee of this School specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

D. Achievement Testing Policies (Policy 7.08)

The School, in its program of Ohio Achievement Testing, adheres to all rules, regulations and guidelines issued by the Ohio Department of Education (“ODE”). Questions or uncertain issues are verified and/or clarified when necessary through communication with the Bureau of Assessment and other appropriate state agencies on an as needed basis. The School, likewise amends and adjusts its testing program as appropriate and directed by the ODE. School coordinators and administrators maintain awareness of changes through attendance at related meetings sponsored by the ODE and other agencies.

Security Provisions

All test questions and test related materials are considered secure for the length of time established by law and are subject to both the Administrative and Revised Code of the State of Ohio.

It is unethical and illegal to use any secure materials to prepare students for the test or to assist students who have failed the test. Test materials may not be reproduced during the period of time established by Ohio law.

No person shall teach students the answers to specific test questions, copy or otherwise reproduce secure test materials for use by students, change students’ responses on the answer sheets, or in any other way cheat or assist a student to cheat. Further, individuals are prohibited from revealing to any student any specific question that the person knows is part of an assessment, obtaining prior knowledge of the contents of an assessment, using prior knowledge of the contents of an assessment to assist students in preparing for the assessment, and/or failing to comply with any rule adopted by the ODE regarding security protocols for an assessment.

The Superintendent or his/her designee(s) are authorized to have access to the test materials. The Superintendent/designee shall be responsible for ensuring that all test security provisions are met while test materials are in the School and/or in the building. Therefore, the Superintendent or his/her designee(s) shall be responsible for receiving and keeping all test materials in a secure location; disseminating materials to teachers, coordinators, examiners, or proctors; overseeing test procedures; collecting all tests and answer sheets; and overseeing the shipping of test materials to the site(s) at which scoring and reporting services will be provided.

Test monitors are assigned by the Superintendent or designee, who shall identify by name the person so assigned, which shall be made known to all staff. Only test monitors are permitted in the testing rooms with students during a test administration session, including a make-up session, and no one else is to have access to testing materials.

Handling and Tracking of Test Materials

These procedures shall apply from the time and point of receipt of test materials until the time and point of shipping test materials to the scoring contractor. These procedures shall further apply from the time and point of receipt in a building prior to testing, until after the last regular test administration session when the test materials are returned to the School’s central collection location.

Testing materials sent to the school will be opened only by the building test coordinator.

Test materials will be stored in a secure, locked room until testing begins.

Test materials will be unpacked, counted, and organized for testing by the School coordinator and designated assistants.

Test materials shall be personally delivered to other buildings by the School coordinator or designated assistants. Materials shall be returned by the building coordinators or designated assistants to the School coordinator at the conclusion of testing.

Test administrators and room monitors will determine that all test materials are returned to them before students are permitted to leave the testing rooms. Any discrepancies shall be reported immediately to the building and School coordinator.

Under no circumstances, except building emergencies, shall the test administrators leave the testing room unsupervised. In the event of an emergency, students should place the answer sheet inside the test booklet and leave all materials at their desks. The room will be locked by the test administrator.

After testing is completed each day, all test materials will be returned to the building coordinator and will be secured while not in use.

After all testing is completed, the answer sheets and booklets will be counted and packed by the School coordinator and designated assistants.

Materials will be stored in a secure location until pick-up by the carrier is completed.

Not later than seven (7) calendar days after the completion of a test administration period, all nonscorable used and unused test booklets, unused secure answer documents, and any other materials specified by the ODE, shall be shipped to the specified location in accordance with the directions provided by the designated scoring service provider.

Duties of Test Coordinators

Persons designated as test coordinators shall:

1. Ensure that all test security provisions are complied with while test materials remain at the school.
2. Ensure that all test provisions are complied with while each online and/or paper/pencil test administration session, including makeup session, is in progress.
3. Account for all test materials, including booklets, by serial number, CDs containing translations of the tests, English language proficiency listening and speaking CDs, and answer documents.

Violations of Test Security

The following prohibited behaviors will be reported immediately to the building and School coordinators.

- removal of any test materials from the testing rooms
- possession of a test booklet other than that given to each student during testing
- possession of written or other material pertaining to the test questions
- use of calculators on grades 6, 7, and 8 achievement tests and the Ohio Graduation tests in math and science
- giving or receiving assistance on the test
- looking at someone else's answer document
- marking items for a test which was administered earlier
- any other behavior which indicates cheating

Test monitors and proctors should attempt to verify each other's observations of violations when possible using reasonable and non-disruptive methods. Additionally, the examiners shall describe in writing as comprehensively as possible the circumstances of the alleged violation.

Once reported to the building coordinator, the alleged incident will be investigated in consultation with the appropriate principal.

Penalties for Confirmed Security Violations

Students confirmed of cheating or assisting another to cheat will have their test(s) invalidated and may be subject to further discipline. Parents will be notified in writing of the incident and the ODE will be notified of the violation within ten calendar days.

Employees failing to follow security provisions may be subject to suspension or termination of employment. The State Board of Education may seek the suspension of a teaching certificate and prosecution under the state criminal code may occur. The ODE shall be notified of the security violation within ten calendar days.

Students and employees accused of violations, including but not limited to violations of test security provisions or any alleged unethical testing practice, will be provided due process according to established School procedures and in accordance with any applicable collective bargaining agreement.

Publication of these security provisions is required by the state of Ohio. The procedures outlined in this policy shall be communicated in writing and discussed during presentations each school year with employees who have access to secure test materials, students who are being tested, and with any other person authorized to be present in a test room and/or have access to any secure test materials, which shall occur by October 1st. Students and staff shall be reminded orally of these provisions prior to the beginning of each test administration period by a test coordinator and test administrator.

Access to Results

Not later than June 30th each school year, the School shall provide a student's parents with the student's score on any state assessment administered to the student in that school year by doing either of the following:

1. Sending the scores to the parent by mail or electronic mail; and/or
2. Posting the scores in a secure portal on the School's website that the parent may access.

Records will be kept in the student's file. Those persons having legal access to student academic information will also have access to Proficiency Test scores.

E. Employee Medical Information (Policy 3.15)

The Board of Directors recognizes the importance of preserving the confidentiality of medical information concerning employees. The Board of Directors treats medical information or records containing medical information as confidential and protected from disclosure unless specifically required by law.

Definitions

"Medical information" means information about the medical condition, history, diagnosis, prognosis, or treatment of an individual. Medical information specifically includes genetic information as defined in the Genetic Information Nondiscrimination Act ("GINA") and its implementing regulations.

"Genetic information" means information about genetic tests of an individual or family members, an individual's family medical history, a request for or receipt of genetic services, counseling or education by an individual or family members, and the genetic information of a fetus or embryo of an individual or family members.

Treatment of Medical Information

To fulfill its obligations under federal and state laws, the Board of Directors shall treat medical information as follows:

1. Records containing medical information are not public records subject to disclosure under the Ohio Public Records Act.
2. School records containing medical information of a staff member or applicant shall be maintained as confidential medical records, separate and apart from employee or applicant personnel files, and protected from unauthorized disclosure through use of a locked file cabinet or similar protections.

3. All requests from the School for medical information of a staff member or staff member's family member shall include the following notice to the person from whom such information is requested:

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information’ as defined by GINA includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received 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.”

This notice must accompany any request for medical information made pursuant to a request for sick leave, unpaid leave of absence, Family and Medical Leave Act (FMLA) leave, accommodation under the Americans with Disabilities Act (ADA), return to work certification, or for any other purpose other than a request for leave to care for a sick family member.

4. The School shall not discriminate against an individual on the basis of the individual’s genetic information.
5. The School shall not request, require, or purchase genetic information of individuals or family members.
6. School officials, administrators and supervisors shall not solicit, seek, or probe for genetic information from employees.
7. The School shall not disclose any genetic information, unless acquired through sources that are commercially and publicly available, except in compliance with federal law.
8. As part of a voluntary wellness program, the School may request genetic information from an individual only if:
 - (A) the individual completes a written authorization that describes the type of information obtained, the general purpose for which it will be used, and restrictions on disclosure;
 - (B) individually identifiable information is provided only to the individual and the health care professionals who are providing services;

- (C) individually identifiable information is not accessible to anyone else in the workplace;
- (D) individually identifiable information is used only for purposes of the wellness program;
- (E) individually identifiable information is not disclosed to the School except in aggregate terms that do not disclose the identity of specific individuals; and
- (F) any financial inducement offered for individuals to provide a health risk assessment includes language that makes clear that the provision of genetic information is not required and the inducement is available whether or not the questions requesting genetic information are answered. This language shall clearly indicate which questions are requesting genetic information and therefore do not have to be answered.

4. Conduct

A. Staff Conduct (Policy 3.05)

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

Student Supervision

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

Staff Dress

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

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

4. Ensure safety.

Ethics Commission Disclosure

The Superintendent and Fiscal Officer shall not use or authorize the authority or influence of office or employment to secure, promise, offer, solicit, accept, or give of anything of value that is of such a character as to manifest a substantial and improper influence upon such administrator.

Fraternization with Students

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

Professional Interactions

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

Licensure Code of Conduct for Ohio Educators

It shall be a violation of this Board Policy for a teacher to engage in conduct unbecoming of the teaching profession, as set forth in the Licensure Code of Professional Conduct for Ohio Educators adopted by the State Board of Education.

B. Staff Computer, E-Mail, Network, And Internet Use (Policy 3.13)

Purpose

The purpose of this policy is to define the proper use of computers, computer networks, messaging systems, electronic mail (e-mail) systems, Internet, or online services or wireless communication devices by staff members in the School. This policy applies not only to the use of School computers and other electronic equipment, including wireless devices, when on school grounds, but also when used by staff off of school grounds. This policy also applies to the use of staff-owned computers and wireless communication devices when using School networks. Likewise, this policy applies to the use of personally-owned computers, computer networks, messaging systems, electronic mail (e-mail) systems, or other forms of Internet access or online services or the use of any personal wireless communication device by staff members in the School during school hours while on School property or at a school sponsored event or activity.

Definition of “Wireless Communication Device”

A wireless communication device (“WCD”) is an electronic device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

The following devices are examples of WCDs: cellular and wireless telephones, pagers/beepers, personal digital assistants (“PDA”), Blackberries/smartphones, Wi-Fi-enabled or broadband access devices, two-way radios, video broadcasting devices, and other devices that allow a person to record and/or transmit, on either a real-time or delayed basis, sound, video or still images, text, or any other information. This definition does not include still or video cameras which have no communication capabilities. The School reserves the right, in its sole discretion, to determine which types of devices it will allow students to use pursuant to this policy. Such determinations are subject to change.

Policy

It is the responsibility of each staff member to ensure that this technology is used for proper educational purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information.

Coverage

This policy applies to all users of the School’s computers, computer networks, messaging systems, electronic mail (e-mail) systems, Internet, or online services or School provided wireless communication devices. This policy also applies to all personally-owned computers, computer networks, messaging systems, electronic mail (e-mail) systems, or other forms of Internet access or online services or the use of any personal wireless communication device by staff members in the School during school hours while on School property or at a school sponsored event or activity.

Acceptable and Unacceptable Uses

The computers, computer network and messaging systems of the School are intended primarily for educational uses and work-related communications only. The following are uses that are unacceptable under any circumstances:

- The transmission, posting, or downloading, of any language or images which are pornographic or of a graphic sexual nature.
- The transmission of jokes, pictures, or other materials which are obscene, lewd, vulgar, or disparaging of persons based on their race, color, gender, age, religion, national origin, or sexual orientation.
- The transmission of messages or any other content which would be perceived by a reasonable person to be harassing, demeaning, threatening, disruptive or inconsistent with the Board of Directors’ policies concerning equal employment opportunity or sexual harassment.
- Uses that constitute defamation (libel or slander).
- Uses that violate copyright laws.

- Uses that attempt to gain unauthorized access to another computer system or to impair the operation of another computer system (for example, “hacking” and other related activities or the transmission of a computer virus or an excessively large e-mail attachment).
- Any commercial or profit-making activities.
- Any fundraising activities, unless specifically authorized by an administrator.
- Any personal use or uses which are inconsistent with the educational goals and objectives of the School.

Guidelines

Smooth operation of the Board of Directors’ network relies upon users adhering to the following guidelines. The guidelines outlined below are provided so that users are aware of their responsibilities.

- Staff members must always follow the prohibition against releasing education records or personally identifiable information as set forth in FERPA and other state and federal laws regarding student privacy.
- Staff members are responsible for their behavior and communication on the Internet.
- Staff members may only access the Internet by using their assigned Internet/E-mail account. Use of another person’s account/address/password is prohibited. Staff members may not allow other users to utilize their passwords.
- Staff members may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the network.
- Staff members may not upload a worm, virus, or other harmful programming or form of vandalism.
- Transmission of any material in violation of any state or federal law or regulation, or Board of Directors policy is prohibited.
- Any use of the Internet for commercial purposes, advertising, or political lobbying is prohibited.
- Staff members are expected to abide by the following generally accepted rules of network etiquette:
 - Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through the Board of Directors’ computers/network. Refrain from using obscene, profane, vulgar, sexually explicit, defamatory, or abusive language in your messages.

- Never reveal names, addresses, phone numbers, or passwords of students or other staff members while communicating on the Internet.
- Use of the Internet to access, process, distribute, display or print child pornography and other material which is obscene, objectionable, inappropriate or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to or what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals and material that lacks serious literary, artistic, political or scientific value as to minors. Offensive messages and pictures, inappropriate text files, or files dangerous to the integrity of the Board of Directors' computers/network (e.g., viruses) are also prohibited.

Security and Integrity

Staff members shall not take any action which would compromise the security of any computer, network or messaging system. This would include the unauthorized release or sharing of passwords and the intentional disabling of any security features of the system.

Staff members shall not take any actions which may adversely affect the integrity, functionality, or reliability of any computer (for example, the installation of hardware or software not authorized by the System Administrator).

Staff members shall report to the System Administrator or to a School Administrator any actions by students which would violate the security or integrity of any computer, network or messaging system whenever such actions become known to them in the normal course of their work duties. This shall not be construed as creating any liability for staff members for the computer-related misconduct of students.

On-Line Purchases

A staff member shall only use the network to make on-line purchases or payments for goods and services if the goods or services are being purchased by or on behalf of the School. Such purchases or payments must still have the prior authorization of the building principal or Superintendent's designee.

Right of Access

The operational and security needs of the School's computer network and messaging systems require that full access be available at all times. The School, therefore, reserves the right to access and inspect any computer, device, or electronic media within its systems and any data, information, or messages which may be contained therein. All such data, information, and messages are the property of the School.

Staff members have no privacy interest in the contents stored on or accessed through, or in the internet activity of, the computers, computer network or messaging systems of the School. The School may search files, folders, pictures, video, internet activity, internet cache, web history,

keychain items, or any data stored on or accessed by the computers, computer network, or messaging systems at any time.

Standards of Behavior for All Staff Online Activity

The laws, professional expectations, and guidelines for interacting with students, parents, and other members of the School community that staff members are expected to follow also apply to their online activity. This includes participation in social media sites, such as LinkedIn, Twitter, Facebook, YouTube, and MySpace, or blogs, wikis, and other forms of user-generated media.

Staff members are personally responsible for any inappropriate or illegal content they publish on social media sites. Staff members are discouraged from “friending” current students on social networking sites unless that social network site is provided by the School, or unless the student is a family member of the staff member.

C. Working Remotely (Policy 4.06)

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

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

- F. The duties and responsibilities of employment remain unchanged while working remotely, except as otherwise noted by an employee's supervisor.
- G. Direction and/or permission to work remotely may be revoked at any time.
- H. Employees shall, at all times while working remotely, comply with federal, state, and local laws and regulations and shall comply with all applicable Board policies.

5. Safety and Anti-Harassment

A. Employee Complaints of Sexual Harassment (Policy 9.11)

The Board of Directors recognizes that an employee's right to freedom from discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the operation of the School and will not be tolerated.

It shall be a violation of this policy for any member of the School staff or a third party (i.e., visiting speaker or a visiting athletic team) to harass an employee through conduct or communications of a sexual nature as defined below. This includes harassment by a supervisor or another co-employee.

1. Definition

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

formal complaint, a complainant must be participating in or attempting to participate in the education programs or activities of the School.

2. Duty to Respond

The School will promptly respond when an allegation of sexual harassment occurs in an education program or activity. Education programs and activities include locations, events, or circumstances over which the School exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

3. Supportive Measures

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

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

Supportive measures may include:

- a. Counseling;
- b. Modifications of work schedules;
- c. Campus escort services;
- d. Mutual restrictions on contact between the parties;
- e. Changes in work locations;
- f. Leaves of absence;
- g. Increased security and monitoring of certain areas of campus.

4. Complaint Procedure

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

- c. The staff member desiring to file a sexual harassment complaint must present the complaint, in writing to the Title IX Coordinator. The School's designated and authorized Title IX Coordinator is:

Tish Jenkins
Superintendent
890 West Fourth Street
Mansfield, OH 44906
419-775-4809
tjenkins@mygda.org

The Title IX Coordinator or his/her designee shall promptly investigate the matter unless otherwise designated by the Board.

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

- d. If the Title IX Coordinator is the employee alleged to have engaged in sexual harassment, the complaint shall be sent directly to the President of the Board. The Board will either conduct the investigation set out below, or appoint an investigator in its place.
- e. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
- f. The School will treat a person as a complainant any time it has notice that the person is alleged to be the victim of conduct that could constitute sexual harassment (regardless of whether the person themselves reported, or a third party reported the sexual harassment), and irrespective of whether the complainant ever chooses to file a formal complaint.
- g. The right to confidentiality, both of the complainant and of the respondent, will be respected consistent with the School's legal obligation and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. The School will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

5. Investigation

- a. The investigator should remember that the investigation requires a balancing of the respondent's rights, the complainant's right to an environment free of sexual harassment, and the Board's interest in a prompt and fair investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School and not on the parties.
- b. The investigator shall send written notice to both parties of the allegations set forth in the complaint upon receipt of a formal complaint. The notice must include sufficient details known at the time, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and notice of any provision in School's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- c. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
- d. Following the meeting with the complainant, the investigator shall conduct an adequate, reliable, and impartial investigation, which shall include the opportunity to identify witnesses and other evidence, to determine if sexual harassment has occurred. The investigation shall include a conference with the respondent and the complainant, as well as any and all other methods which are considered necessary to determine whether harassment has occurred. Both parties must be permitted an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- e. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so.
- f. Both parties shall be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

6. Post-Investigation Procedures

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

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

Although the facts and circumstances of a particular investigation may require an investigation to continue beyond 45 school days, it is recommended that the investigation and a report of the findings be completed within that time frame. The report shall include a determination of whether the respondent was found to have engaged in harassment, was found not to have engaged in harassment, or whether the investigation was inconclusive. The School shall use a "preponderance of the evidence" standard to make such determination. The report shall be issued to the complainant, if an employee, or to the complainant's parents, if a student. A copy of the report shall also be sent to the Superintendent or his/her designee.

- b. A finding of no harassment or inconclusive evidence by the decision maker shall end the investigation.
- c. If the decision maker finds that harassment occurred, the investigator shall recommend what steps are necessary to ensure that the harassment is eliminated for the victim and other individuals affected by the sexual harassment and to correct its discriminatory effects on the complainant and others, if appropriate. An individual who complains of sexual harassment shall not be required to work out the problem directly with the person alleged to have harassed him or her.

7. Informal Resolution

The investigator may offer informal resolution options if a formal complaint is filed, and both parties give voluntary, informed, written consent. The School shall not require, as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint. The investigator will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

8. Appeals

The School will offer both parties the opportunity to appeal from a determination regarding responsibility, and from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- 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/or
- c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within seven calendar days of the issuance of the determination regarding responsibility, which includes a statement specifying the grounds for the appeal. The opposing party will be notified of the appeal and provided seven calendar days from such notice to submit to a statement in support of the outcome.

An “Appeal Decision Maker” shall be designated by the Superintendent to review the investigative report and the statements submitted by the parties as part of the appeal. The Appeal Decision Maker shall investigate whether a basis for overturning the decision regarding responsibility exists. The Appeal Decision Maker shall not be the same person as the decision maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The Appeal Decision Maker shall issue a written decision describing the result of the appeal and the rationale for the result, and shall provide the written decision simultaneously to both parties and their advisors within 28 calendar days of the Title IX Coordinator’s receipt of a parties’ notice of appeal of the original decision maker.

9. Dismissal of Complaints

- a. Complaints must be dismissed by the decision maker where the allegations, if true, would not meet the Title IX jurisdictional conditions:
 1. The actions complained of do not meet the definition of “sexual harassment”;
 2. The actions complained of were not against a person in the United States;
 3. The actions complained of did not occur in the School’s education program or activity.

- b. Complaints may be dismissed by the decision maker where:
 - 1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - 2. The respondent is no longer enrolled or employed by the School; and/or
 - 3. Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the allegations contained in the formal complaint.
- c. The Title IX Coordinator will send the parties written notice of any dismissal decision, and the reason(s) therefore.
- d. Both parties shall have the right to appeal a dismissal decision by submitting written notice of appeal to the Title IX Coordinator within seven calendar days of the issuance of the dismissal notice. The Appeal Decision Maker shall review the notice of appeal and issue a decision regarding the appeal in writing to both parties within 14 calendar days of the issuance of the notice of dismissal.

10. Discipline

If sexual harassment is found to have occurred, the person who engaged in such harassment may be disciplined. The discipline must be reasonably calculated to end the harassment and to remedy its effects on the complainant, and others, if appropriate. Any discipline not resulting in termination must include a directive that the employee not engage in such harassment in the future. Making a materially false statement in bad faith in the course of an investigation under this Policy may subject an employee to disciplinary action.

11. Notice

Written notice of the outcome of the complaint shall be provided to the complainant and the respondent.

B. Prohibition and Reporting of Sexual Abuse (Policy 9.27)

The Board of Directors prohibits employee and/or student conduct constituting sexual abuse toward an employee or student. Sexual abuse of a student or employee means unlawful sexual conduct or sexual contact, as defined in O.R.C. §2907.01, and other forms of unlawful sexual conduct or contact.

The Guidance Counselor is appointed as the sexual abuse prevention coordinator, who shall report to the Superintendent.

A. Sexual Abuse of Employees

It shall be a violation of this policy for any member of the School staff or a third party (i.e., visiting speaker or a visiting athletic team) or student to sexually abuse an employee.

1. Complaint Procedure

- a. Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited.
- b. The intent of the following reporting procedure is to provide a quick and fair resolution of complaints of sexual abuse.
- c. The staff member desiring to file a sexual abuse complaint must present the complaint, in writing to the Superintendent. The Superintendent or his/her designee shall investigate the matter unless otherwise designated by the Board.
- d. If the Superintendent is the employee alleged to have engaged in the sexual abuse, the complaint shall be sent directly to the President of the Board of Directors. The Board will either conduct the investigation set out below, or appoint an investigator in its place.
- e. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School's legal obligation, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

2. Discipline

If sexual abuse is found to have occurred, the person who engaged in such abuse will be disciplined in accordance with state and federal laws.

B. Sexual Abuse of Students

It shall be a violation of this policy for any member of the School staff, students, or third parties (i.e., visiting speaker, or visiting athletic team) to sexually abuse students.

1. Complaint Procedure

- a. Any student who alleges sexual abuse by any staff member, student, or third party in the School may complain directly to the coordinator, guidance counselor, teacher, Superintendent, any other school employee whom the student trusts, or any other individual designated to receive such complaints.
- b. Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited. Therefore, filing of a complaint or otherwise reporting sexual abuse will not reflect upon the student's status

nor will it affect future employment, grades, or work assignments. The person to whom the complaint was made shall within one (1) school day report the complaint to the coordinator. If the coordinator or Superintendent is the employee alleged to have engaged in the sexual abuse, the report shall be made to the Board.

- c. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School's legal obligation, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Often the information the School receives regarding sexual abuse is not always provided through the official complaint process or communicated to the individual designated to receive such complaints. Therefore, any teacher, counselor, administrator, or other school employee who receives a report or information, verbally or in writing, from any student regarding sexual abuse of that student must forward that report or information to the building principal or coordinator within one school day or within a reasonable period of time if there is a good cause for the delay. Any building principal receiving a report or information of sexual abuse shall promptly notify the coordinator. If the school employee has a good faith belief that the conduct complained of constitutes child abuse, they must immediately report such abuse to the proper authorities in accordance with Ohio law.

2. Discipline

A substantiated charge of sexual abuse against a student in the School shall subject that student to disciplinary action, including suspension or expulsion, consistent with the Student Discipline Code.

C. Investigation (Student and Employee)

1. The investigator should remember that the investigation requires a balancing of the accused's right to preserve his/her good name, the complainant's right to an environment free of sexual abuse, and the Board's interest in a prompt and fair investigation.
2. The investigator shall meet with the complainant within a period not to exceed five school days from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
3. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if sexual abuse has occurred. The investigation shall include a conference with the accused and the complainant, as well as any and all other methods which are considered necessary to determine whether abuse has occurred. The investigation shall include the opportunity to present witnesses and other evidence, written documentation of such investigation, including documents and witness statements.

D. Post-Investigation Procedures (Student and Employee)

1. Upon conclusion of the investigation, the investigator shall issue a written report. Although the facts and circumstances of a particular investigation may require an investigation to continue beyond 45 school days, it is recommended that the investigation and a report of the findings be completed within that time frame. The report shall include a determination of whether the accused was found to have engaged in abuse, was found not to have engaged in abuse, or whether the investigation was inconclusive. The report shall be issued to the complainant, if an employee, or to the complainant's parents, if a student. A copy of the report shall also be sent to the Superintendent or his/her designee.
2. A finding of no abuse or inconclusive evidence shall end the investigation.
3. If abuse is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the abuse is eliminated for the victim and other individuals affected by the sexual abuse and to correct its discriminatory effects on the complainant and others, if appropriate.

**C. Racial/Ethnic/National Origin Harassment and
Discrimination Policy Covering Employees (Policy 9.12)**

It is the intent of the Board of Directors to comply with the nondiscrimination provisions of federal laws and regulations with regard to race, color, national origin, religious, disability, and sex (including pregnancy, sexual orientation, and gender identity) discrimination and sexual harassment. This policy prohibits discrimination or harassment directed at Board employees.

Each employee in the School has a responsibility to maintain a workplace and educational environment free from harassment. Harassment or offensive conduct at school or school related functions is prohibited.

This policy applies to the Board of Directors, its administrative, teaching, and non-teaching employees.

Racial/Ethnic/National Origin/Disability/Sex/Religion Harassment and Discrimination

No employee shall, on the basis of his or her race, ethnicity, disability, sex, religious beliefs, or national origin, be denied equal access to programs, activities, services or benefits, or be limited in the exercise of any right, privilege, advantage or opportunity.

No person shall be disadvantaged or treated unfairly by the Board or any of its personnel or students on the basis of race, ethnicity, sex, disability, religion, or national origin, whether intentionally or otherwise, in any activity at any level of the operations of the School.

It is unlawful to discriminate against an employee or applicant for employment because of their race, ethnicity, religion, disability, sex, or national origin in regard to hiring, termination,

promotion, compensation, or any other term, condition, or privilege of employment. It is also unlawful to make employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain groups.

In accordance with this policy, “discrimination” means either of the following:

1. Failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual’s compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, disability, or national origin; or
2. Limiting, segregating, or classifying employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual’s status as an employee because of such individual’s race, color, religion, sex, disability, or national origin.

Racial/Ethnic/National Origin/Religion/Disability/Sex Harassment

Racial/ethnic/national origin/religion/disability/sex harassment may be any behavior, verbal or physical, which is imposed by an employee or student on an employee because of race, national origin, ethnic background, religion, sex, or disability which is intimidating, offensive, abusive, threatening, or unwelcomed and which causes or contributes to a racially/ethnically/national origin/religion/sex or disability-based hostile environment.

Such a hostile environment exists when acts of harassment are sufficiently numerous, severe, or pervasive to impair or alter an individual’s school or workplace environment. The existence of a hostile environment is to be judged from the viewpoint of a reasonable person in the victim’s situation under all of the existing circumstances.

Such harassment may include, but is not limited to:

1. Racial/ethnic/national origin/religion/sex/disability-oriented verbal “kidding” or demeaning racial/ethnic innuendos, teasing, jokes or remarks of a racial/ethnic/religious/sexual nature.
2. Writing graffiti and/or slogans depicting racial/ethnic/religious/disability/sexual slurs or racially/ethnically/religious/disability/sexually derogatory sentiments.
3. Unwelcome sexual advances, requests for sexual favors, offensive remarks about a person’s sex, and other verbal or physical harassment of a sexual nature.
4. A supervisor requesting sexual favors in return for job benefits.
5. Racial/ethnic/national origin/religion/sex/disability-oriented motivated intimidation and/or physical violence or threats of physical violence.

Conduct Not Covered By This Policy:

For the purpose of this policy, discrimination and harassment does not include:

1. Petty slights, annoyances, and isolated incidents (unless extremely serious); or
2. Teasing, casual comments, or single instances of inappropriate conduct. For inappropriate behavior to rise to the level of illegal harassment, it must be unwelcomed or unwanted. It also must be severe (meaning very serious) or pervasive (meaning that it happened frequently).

Conduct that does not meet the definition of discrimination or sexual harassment under this policy, may be reported and addressed under the Board's Violence and Harassment Policy.

Investigation of Harassment and/or Discrimination

In order to prevent, deter, or correct harassment or concern about discrimination, it is the responsibility of the administrative personnel to investigate any charges of racial/ethnic/national origin/disability/sex harassment or discrimination when brought to their attention and take appropriate corrective action.

1. Complaint Procedure

- a. The staff member desiring to file a harassment/discrimination complaint must present the complaint, verbally or in writing, to their Building Administrator. The Administrator or his/her designee shall investigate the matter unless otherwise designated by the Board.
- b. If the Administrator is the employee alleged to have engaged in the harassment/discrimination, the complaint shall be sent directly to the Superintendent. The Administrator or Superintendent will either conduct the investigation set out below, or appoint an investigator in his/her place.
- c. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School's legal obligation and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

2. Investigation

- a. The investigator should remember that the investigation requires a balancing of the accused's rights, the complainant's right to an environment free of harassment/discrimination, and the Board's interest in a prompt and fair investigation.
- b. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.

- c. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if harassment/discrimination has occurred. The investigation shall include interviewing the complainant, respondent, and relevant witnesses. The investigator may request, but is not required to obtain, written statements from the complainant, respondent, and relevant witnesses. The investigator shall also review relevant documentation and may use any and all other methods which are considered necessary to determine whether harassment/discrimination has occurred.

3. Post-Investigation Procedures

- a. Upon conclusion of the investigation, the investigator shall issue a written report. Although the facts and circumstances of a particular investigation may require an investigation to continue beyond 45 school days, it is recommended that the investigation and a report of the findings be completed within that time frame. The report shall include a determination of whether the accused was found to have engaged in harassment/discrimination, or whether the investigation was inconclusive. The report shall be issued to the complainant and the respondent. A copy of the report shall also be sent to the Superintendent or his/her designee.
- b. A finding of no harassment/discrimination or inconclusive evidence shall end the investigation.
- c. If harassment/discrimination is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the harassment/discrimination is eliminated for the victim and other individuals affected by the harassment/discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

4. Discipline

If harassment/discrimination is found to have occurred, the person who engaged in such harassment/discrimination may be disciplined. The discipline must be reasonably calculated to end the harassment/discrimination. Any discipline must include a directive that the employee not engage in such harassment/discrimination in the future.

School employees will be notified at least annually of their responsibility to report all instances of possible racial/ethnic/national origin/religious or sexual discrimination or harassment of which they become aware and to whom such a report shall be made.

A violation of the foregoing policy shall be grounds for discipline according to the Ohio Revised Code and any applicable negotiated agreement.

It is Board policy that all reports of such harassment will be thoroughly investigated, and violations of this policy will be treated as serious disciplinary infractions. No employee shall be subjected to adverse employment action in retaliation for any good faith report of harassment/discrimination

or participating in an investigation about harassment/discrimination under this policy. Limited disclosure may be necessary to complete a thorough investigation.

Nothing in this policy shall prohibit an employee from filing a report of sexual harassment/discrimination with the School's Title IX Coordinator pursuant to the Board's Title IX Grievance Policy. If an employee elects to file a complaint of sexual discrimination/harassment under this policy, the Board shall investigate the complaint under the investigative standards discussed above and the standards laid out in the Board's Title IX Grievance Policy to determine if the alleged conduct violates either or both policies.

Nothing in this policy shall prohibit an employee from filing a report of violations of Section 504 of the Rehabilitation Act of 1973 pursuant to the Board's 504/ADA Grievance Procedure.

If the grievance cannot be resolved through the above procedure, a request for an official interpretation may be filed with the Equal Employment Opportunity Commission, Anthony J. Celebrezze Federal Building, 1240 East 9th Street, Cleveland, OH 44199 and/or the Ohio Civil Rights Commission, 1350 Euclid Avenue – Suite 325, Cleveland, OH 44115-1812.

D. Harassment and Violence (Policy 9.09)

Harassment and violence by students or staff in the school environment can substantially interfere with their ability to learn, perform, work, and feel safe. Therefore, any conduct, communication, activity, or practice that occurs at any time, in any school, during transit to or from school, or during any school sponsored activity or event that constitutes harassment or violence involving either students or staff shall be strictly prohibited. Any such conduct, communication, activity, or practice should be immediately reported to the building principal or other appropriate administrator. All reports shall be investigated as soon as possible in accordance with the policies applicable to the harassment which is the subject of the complaint.

This policy shall be included in all student and staff handbooks.

Conduct Not Covered By This Policy:

This policy does not apply to instances of sexual discrimination or sexual harassment. All student complaints of sexual harassment or discrimination should be made in accordance with the Board's Title IX grievance procedure.

This policy does not apply to instances of student harassment based on racial/ethnic/national origin/religion. All student complaints of harassment based on racial/ethnic/national origin/religion should be made in accordance with the Board's racial/ethnic/national origin/religion policy covering students.

This policy does not apply to instances of student harassment based on disability discrimination or harassment. All student complaints of harassment based on disability discrimination or harassment should be made in accordance with the Board's 504/ADA policy covering students.

This policy does not apply to instances of staff harassment based on racial/ethnic/national origin/disability/sex/religion. All staff complaints of harassment based on racial/ethnic/national origin/sex/disability/religion should be made in accordance with the Board's racial/ethnic/national origin/sex/disability/religion harassment and discrimination policy covering employees or the Board's Title IX grievance procedure covering employees.

E. Smoke-Free Schools (Policy 9.14)

For purposes of this policy, "smoking" shall mean inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant. "Use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff or any other matter or substances that contain tobacco.

The Board prohibits smoking and the use of tobacco in any enclosed area including classrooms, storage areas, restrooms, stairways, or vehicles, on school grounds or at any School-sponsored activity.

F. Alcohol and Drug-Free Schools (Policy 3.09)

- A. The Board of Directors believes that quality education is not possible in an environment affected by drugs. The Board will, therefore, establish and maintain an educational setting which meets the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1986 and any amendments thereto as they relate to employees and students.
- B. To establish and maintain an environment free of drugs, the Board, as it has in the past, prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substances, marijuana, hemp or hemp products, as defined in R.C. 928.01, as well as alcohol, by any member of the Board's staff or by any student at any time while on Board property or while involved in any School-related activity or event.
- C. Employees
 - 1. Employees are prohibited from being under the influence of alcohol, controlled substances, marijuana, hemp or hemp products, as defined in R.C. 928.01, during work hours or when they are representing the Board at meetings or in the community.
 - 2. An employee who must use prescribed drugs which could impair his/her ability to perform the job duties must report this fact to his/her supervisor along with acceptable medical documentation. A determination will then be made as to whether the employee is able to perform his/her job safely and properly.
 - 3. The Board will not employ an individual whose current use of alcohol prevents him from performing the job duties or who constitutes a direct threat to the property or safety of himself/herself or others. The Board will not employ an individual who is currently using illicit drugs.

4. An employee convicted of any criminal drug violation occurring in the workplace must report such conviction to the Superintendent within five (5) days. The Superintendent shall notify those agencies required by the Drug-Free Workplace Act of 1988 of an employee's conviction within ten (10) days of receiving notice from an employee or otherwise receiving actual notice. A conviction means a finding of guilt or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
 5. The Superintendent shall take one or a combination of the following actions within thirty (30) days of receiving notice from the employee as set forth in paragraph 4 of this policy:
 - a. Appropriate personnel action against such employee, up to and including termination;
 - b. Requiring the employee to complete a drug assistance or rehabilitation program approved for such purposes by the Federal, State, or local health, law enforcement or other appropriate agency.
 6. A drug-free awareness program shall be created to inform the employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Board's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitating and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 7. Information on illicit drug or alcohol counseling and/or rehabilitation programs is available from the Superintendent or his/her designee.
 8. Disciplinary sanctions consistent with local, State, and Federal law up to and including termination of employment and referral for prosecution will be imposed on employees who violate the standards of conduct required by this policy.
 9. Federal law requires that employees comply with the standards of conduct set forth in this policy.
 10. Employees shall be given a copy of the standards of conduct required under this policy as well as a statement of disciplinary sanctions described herein.
- D. This policy and the Board's Drug Prevention Program shall be reviewed biennially.

G. Alcohol and Drug Abuse Testing Policy for Personnel Performing Safety-Sensitive Duties (Policy 3.10)

I. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects involving those personnel whose regular work duties include safety sensitive duties. Involvement with drugs and alcohol off the job can take its toll on job performance and the safety of students and personnel. The presence of drugs and alcohol in any amount on the job, and the effects of these substances on personnel during the working hours, however slight, are inconsistent with the Board of Directors' objectives.

In order to promote the safety of students, and the safety and health of all personnel, the Board of Directors adopts the drug and alcohol testing policy outlined herein. In recognition of the public service responsibilities entrusted to the personnel of the School performing safety-sensitive duties, and of the fact that drug and alcohol usage can affect a person's ability to perform such duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the Board of Directors.

II. APPLICABILITY

This policy applies to personnel performing safety-sensitive duties who are required to have a commercial driver's license. Safety-sensitive duties include all on-duty functions performed from the time a staff member begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the School or paid work for any other entity.

III. PERSONNEL ALCOHOL TESTING REQUIREMENTS

A. Prohibitions of Alcohol Misuse

Personnel are prohibited from:

1. Possessing or using alcohol while on the job;
2. Using alcohol during the four hours before performing safety-sensitive duties;
3. Having prohibited concentrations of alcohol in their system while performing safety-sensitive duties;
4. Using alcohol during the eight hours following an accident, or until post-accident testing is completed, whichever occurs first; and

5. Refusing to take a required alcohol test.

The School must prohibit a staff member having an alcohol concentration of 0.04 or above from performing safety-sensitive duties until he/she has been evaluated by a substance abuse professional, and tests at less than 0.02 for the presence of alcohol. A staff member with an alcohol concentration of 0.02 or greater, but less than 0.04, is not permitted to perform safety-sensitive duties for 24 hours. In addition to these requirements, the School has the right to discipline the staff member for alcohol misuse.

B. Required Tests: Alcohol

1. Post-accident Testing

- a. As soon as practicable following an accident, a staff member will be tested for alcohol if:
 - (1) the staff member was performing a safety-sensitive duty with the vehicle involved in the accident resulting in the loss of human life; or
 - (2) the staff member receives a citation under a state or local law for a moving traffic violation arising from the accident.
- b. Personnel shall make themselves readily available for testing, absent the need for immediate medical attention.
- c. A staff member shall not use alcohol for eight hours after an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- d. When possible, a post-accident alcohol test will be administered within two hours following the accident. An alcohol test will not be administered more than eight hours after the accident.
- e. Personnel involved in a fatal accident registering an alcohol concentration of 0.02 or greater are at a minimum prohibited from driving for one year and are also subject to disciplinary procedures, including termination.
- f. Tests conducted by federal, state or local officials will satisfy the requirements of post-accident testing if:
 - (1) such tests conform to applicable legal requirements and
 - (2) the results of the tests are obtained by the School.

2. Random Testing

- a. Tests will be conducted on a random basis at unannounced times throughout the year.
- b. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive duties.
- c. The number of random alcohol tests annually must equal the legally required percentage of personnel subject to testing.
- d. Personnel shall be selected for random testing by a scientifically valid random process, and each staff member shall have an equal chance of being tested each time selections are made.

3. Reasonable Suspicion Testing

- a. Personnel may be tested for alcohol misuse at any time, without notice, when a trained supervisor has reasonable suspicion to believe a staff member may be under the influence of alcohol or has violated the School's prohibitions against alcohol use.
- b. A determination that reasonable suspicion exists requiring an alcohol test shall be documented in writing and will be based upon specific, articulable, contemporaneous observations of the appearance, behavior, speech, or body odors of the staff member and happen during, just preceding, or just after work. The observations may include indications of the chronic and withdrawal effects of controlled substances.

C. Administration of the Alcohol Test

The procedure for the administration of any alcohol test will be determined by the School in accordance with the requirements of law.

IV. PERSONNEL DRUG TESTING REQUIREMENTS

A. Prohibition

- 1. A staff member may not report for work or remain at work when he/she uses any controlled drug. Use of controlled drugs by personnel performing safety-sensitive duties is prohibited on or off duty.
- 2. An exception to this rule is made for a staff member's use of a drug pursuant to the instruction of a physician. All personnel are required to notify the Superintendent or designee of any therapeutic drug use and provide a written statement from the physician prescribing the drug.

B. Notice to Supervisor of Prescription Drug Use

1. Possession or use pursuant to a valid prescription from a physician who has informed the staff member the substance will not adversely affect his/her ability to perform safety-sensitive duties is not a violation of this policy if:
 - a. The staff member has presented a written statement from their physician to his/her direct supervisor, prior to beginning work, stating the name of the prescription drug, effects of the drug on the staff member's behavior, length of time the staff member will be using the prescription drug and has received permission from the supervisor to work notwithstanding the prescription;
 - b. The staff member complies with any limitations imposed on the staff member's work tasks by the supervisor because of using the prescription drug; and
 - c. The staff member's use does not exceed the prescribed dosages.
2. Should the staff member fail to follow any of these requirements, the prescription drug exception to possession or use of controlled drugs is not applicable.

C. Required Tests: Drugs

Testing is limited to determine the presence of the five controlled drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

The following drug tests will be applicable to employees:

1. Pre-employment/Job Applicant Testing
 - a. Drug testing shall be required of any applicant who has received a conditional offer of employment for a position with safety-sensitive duties.
 - b. The School will not employ anyone who has a positive result from a drug test or who refuses to take the drug test.
 - c. This requirement applies to new hires and persons transferring to a position with safety-sensitive duties.
2. Post-accident Testing
 - a. As soon as practicable following an accident, a staff member will be tested for drugs if:

- (1) the staff member was performing a safety-sensitive duty with the vehicle involved in the accident resulting in the loss of human life; or
 - (2) the staff member received a citation under state or local law for a moving traffic violation arising out of the accident.
- b. Personnel shall make themselves readily available for testing, absent the need for immediate medical attention.
- c. The drug test must be administered as soon as possible after the accident, but in no case more than 32 hours after the accident. A staff member who is seriously injured and cannot provide a specimen at the time of the accident is required to authorize the release of hospital documents that would indicate the presence of illegal drugs.
- d. Tests conducted by federal, state or local officials will satisfy the requirement of post-accident testing if such test conforms to the applicable federal, state or local requirements, and the results of the test are obtained by the School.

3. Random Testing

- a. Tests will be conducted on a random basis at unannounced times throughout the year.
- b. Tests for drugs shall be conducted just before, during or just after the performance of safety-sensitive duties.
- c. The number of random drug tests annually must equal the legally required percentage of personnel subject to testing.
- d. Personnel shall be selected for random testing by a scientifically valid random process, and each staff member shall have an equal chance of being tested each time selections are made.

4. Reasonable Suspicion Testing

- a. Personnel may be tested for drugs at any time without notice when a trained supervisor has reasonable suspicion to believe that the staff member may be under the influence of drugs.
- b. A determination that reasonable suspicion exists to require a drug test will be documented in writing and based on facts including the specific, contemporaneous observations of the appearance, behavior, speech or body odors of the staff member and happen during, just preceding, or just after work. The observations may

include indications of the chronic and withdrawal effects of controlled drugs.

D. Administration of the Drug Test

1. One or more collection sites where a staff member may provide urine specimens for testing will be designated by the School. If the first drug test on the urine sample reveals a positive sample result, the staff member, within seventy-two hours of receipt of the results of the first test, may request a second test of the split specimen of the first urine sample.
2. Once a test is verified as positive, the staff member must be removed from safety-sensitive duties. The results of the split test, if requested by the staff member, do not need to be received before the staff member is removed from safety-sensitive duties.
3. The staff member may not again perform safety-sensitive duties until the result of the test of the split specimen has been received.

V. ENFORCEMENT

A. Refusal to Take Required Tests

Any staff member who refuses to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up tests shall not perform or continue to perform safety-sensitive duties. The consequences for a refusal to take a test are the same as if the staff member failed the test. A refusal to take a test includes:

1. the failure to provide adequate breath or urine for testing without a valid medical reason;
2. engaging in conduct that obstructs the testing process;
3. failure to sign a testing form; and
4. leaving the scene of an accident before post-accident testing is performed.

B. Discipline

Personnel who test positive for alcohol or drugs or who refuse to take an alcohol or drug test required by this policy, shall be subject to disciplinary action as provided in the Negotiated Agreement governing personnel who are required to have a CDL and/or as set forth in Board of Directors policy and Ohio law.

C. Return-To-Duty Tests

1. An alcohol or drug test shall be conducted when a staff member who has violated the School's alcohol or drug prohibitions returns to performing safety-sensitive duties.
2. Personnel whose conduct involved alcohol cannot return to safety-sensitive duties until the return-to-duty alcohol test produces a verified result of less than 0.02 alcohol concentration.
3. Personnel whose conduct involved drugs cannot return to safety-sensitive duties until the return-to-duty drug test produces a verified negative result.

D. Follow-up Tests

1. A staff member who violates the School's alcohol or drug prohibitions who is not terminated shall be subject to unannounced follow-up testing as directed by the Superintendent in accordance with law.
2. Follow-up alcohol testing shall be conducted just before, during or just after the time when the staff member is performing safety-sensitive duties.

E. Costs

The School will pay all costs of alcohol and drug testing, return-to-duty, and follow-up tests which are not covered by the School's medical insurance plan.

VI. RECORDS

- A. Personnel alcohol and drug test results and records shall be confidential and will be released only in accordance with law.
- B. Upon written request, a staff member can obtain copies of only records pertaining to his/her use of alcohol or drugs, including any records pertaining to his/her alcohol or drug tests.
- C. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the staff member.

VII. ALCOHOL MISUSE AND DRUG USE INFORMATION, TRAINING, AND REFERRAL

- A. The requirements of the alcohol and drug prohibitions and testing requirements as contained in this policy will be made available to School personnel. This policy will be distributed to each staff member performing safety-sensitive duties, and all such personnel shall execute a Certificate of Receipt of this Alcohol and Drug Abuse Testing Policy.

- B. Written notice of the availability of this information will be provided to the collective bargaining representative of the personnel covered by the policy.
- C. The designated person to answer questions about the alcohol misuse and drug use rules will be the Superintendent or designee.

6. Student Safety and Reporting

A. Harassment, Intimidation, and Bullying (Policy 9.29)

Introduction

Harassment, intimidation, and bullying of students in the school environment can substantially interfere with their ability to learn, perform, and feel safe. Therefore, any conduct, communication, activity, or practice that occurs at any time on School property, on a school bus, or during any School sponsored event, and at the times and/or places set forth in the Code of Student Conduct, that constitutes harassment, intimidation, or bullying involving students shall be strictly prohibited. Students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from School. Further, any such conduct, communication, activity, or practice should be immediately reported to the building principal or other responsible School employee. All reports of harassment not covered by this policy shall be investigated in accordance with the policies applicable to the particular harassment.

To implement this policy and to address the existence of harassment, intimidation, or bullying in the School, the following procedures shall be followed:

- A. Students must report acts of harassment, intimidation, or bullying to teachers, School employees, and/or School administrators;
- B. The parents or guardians of students should file written reports of suspected harassment, intimidation, or bullying with the principal or other appropriate administrator;
- C. Teachers and other School staff who witness acts of harassment, intimidation, or bullying or receive student reports of harassment, intimidation, or bullying shall notify School administrators;
- D. School administrators shall investigate and document any written or oral reports;
- E. School administrators shall notify the custodial parent or guardian of a student who commits acts of harassment, intimidation, or bullying and the custodial parent or guardian of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by O.R.C. §3319.321 and the Family Educational Rights and Privacy Act.

1. Definition of Harassment, Intimidation, or Bullying

In accordance with this policy, “harassment, intimidation, or bullying” means either of the following:

- A. Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once and the behavior both:
 - 1. Causes mental or physical harm to the other student; and
 - 2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or
- B. Violence within a dating relationship.

“Electronic act” means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.

The behavior prohibited by this policy is marked by the intent to ridicule, humiliate, or intimidate the victim. In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen or actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred, of the perpetrator.

2. Conduct Constituting Harassment, Intimidation, or Bullying

Such conduct can take many forms and can include many different behaviors having overt intent to ridicule, humiliate or intimidate another student. Examples of such conduct include, but are not limited to:

- A. Physical violence and/or attacks.
- B. Taunts, name-calling, and put-downs.
- C. Threats and intimidation (through words and/or gestures).
- D. Extortion or stealing of money and/or possessions.
- E. Exclusion from the peer group or spreading rumors.
- F. Repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other Web-based/online sites (also known as “cyber bullying”), such as the following:
 - 1. Posting slurs on Web sites where students congregate on Web logs (personal online journals or diaries);

2. Sending abusive or threatening instant messages;
3. Using camera phones to take embarrassing photographs of students and posting them online;
4. Using Web sites to circulate gossip and rumors to other students;
5. Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers; and

G. Violence within a dating relationship.

3. Complaint Process

A. Formal Complaints

Students and/or their parents or guardians may file reports of conduct that they consider to be harassment, intimidation, or bullying. Such written reports shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation, or bullying, including person(s) involved, time and place of the conduct alleged, the number of such incidents, the target of such suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any School staff member or administrator, and they shall be promptly forwarded to the principal for review and action.

Teachers and other School staff who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the principal and/or his/her designee of the event observed, and shall promptly file a written incident report concerning the events witnessed.

B. Informal Complaints

Students may make informal complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher or administrator. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation, or bullying, including person(s) involved, time and place of the conduct alleged, the number of such incidents, the target of such suspected harassment, intimidation, or bullying, and the names of any potential student or staff witness. A School staff member or administrator who receives an informal complaint shall promptly reduce the complaint to writing, including the information provided. Such written report by the School staff member and/or administrator shall be promptly forwarded to the principal for review and action.

In addition to addressing both informal and formal complaints, School personnel are encouraged to address the issue of harassment, intimidation, or bullying in other interaction with students. School personnel may find opportunities to educate students about

harassment, intimidation, or bullying and help eliminate harassment, intimidation, or bullying behavior through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student, even if such conduct does not meet the formal definition of “harassment, intimidation, or bullying.”

4. Deliberately Making False Reports

Students are prohibited from deliberately making any false report of harassment, intimidation, or bullying. Students found to have violated this prohibition are subject to the full range of disciplinary consequences, up to and including suspension and expulsion.

5. Confidentiality

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School’s legal obligation to the complainant, alleged harasser, and witnesses, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

6. Investigation

- A. The investigator should remember that the investigation requires a balancing of the accused’s rights, the complainant’s right to an environment free of harassment, intimidation, or bullying, and the Board of Directors’ interest in a prompt and fair investigation.
- B. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
- C. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if harassment, intimidation, or bullying has occurred. The investigation shall include a conference with the accused and the complainant, as well as any and all other methods which are considered necessary to determine whether harassment, intimidation, or bullying has occurred.

7. Post-Investigation Procedures

- A. Upon conclusion of the investigation, the investigator shall issue a written report. The report shall include a determination of whether the accused was found to have engaged in harassment, intimidation, or bullying, was found not to have engaged in harassment, intimidation, or bullying, or whether the investigation was inconclusive. The report shall be issued to the complainant’s parents. A copy of the report shall also be sent to the Superintendent or his/her designee.
- B. A finding of no harassment, intimidation, or bullying or inconclusive evidence shall end the investigation.

- C. If harassment, intimidation, or bullying is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the harassment, intimidation, or bullying is eliminated for the victim and other individuals affected by the harassment, intimidation, or bullying and to correct its effects on the complainant and others, if appropriate.

8. Retaliation is Prohibited

Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited. Therefore, filing of a complaint or otherwise reporting harassment, intimidation, or bullying will not reflect upon the student's status, nor will it affect future employment, grades, or work assignments. Further, the administrator is directed to implement strategies for protecting a victim from retaliation following a report.

9. Remedial Actions

Verified acts of harassment, intimidation, or bullying shall result in intervention by the building principal or his/her designee that is intended to assure that the prohibition against harassment, intimidation, or bullying behavior is enforced, with the goal that any such harassment, intimidation, or bullying behavior will end as a result.

Harassment, intimidation, or bullying behavior can take many forms and can vary in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, or bullying. While conduct that rises to the level of "harassment, intimidation, or bullying" as defined above will generally warrant disciplinary action against the perpetrator of such harassment, intimidation, or bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal.

10. Non-Disciplinary Interventions

When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts of harassment, intimidation, or bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation, or bullying, its prohibition, and their duty to avoid any conduct that could be considered harassment, intimidation, or bullying. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered.

11. Disciplinary Interventions

When acts of harassment, intimidation, or bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Suspension is a possible consequence for a student found responsible for harassment, intimidation, or bullying by an electronic act.

12. Strategies for Protecting Victims or Other Persons From New or Additional Acts

- A. Supervise and discipline offending students fairly and consistently;
- B. Provide adult supervision when students attend learning labs;
- C. Maintain contact with parents and guardians of all involved parties;
- D. Provide counseling for the victim if assessed that it is needed;
- E. Inform School personnel of the incident and instruct them to monitor the victim and the victim's friends or family members and the offending party for indications of harassing, intimidating, and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed;
- F. Check with the victim and the victim's friends or family members to ensure that there has been no new or additional incidents of harassment/intimidation/bullying or retaliation of the victim or other persons from the offender or other parties.
- G. If necessary to protect a person from new or additional acts of harassment, intimidation, or bullying, and from retaliation following a report, a person may make an anonymous report of an incident considered to be harassment, intimidation, bullying, or retaliation by providing written information to any staff member or administrator. The report should include as much information as possible and shall be forwarded promptly to the building principal for review and action.

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when acts of harassment, intimidation, or bullying are verified, other School actions may ameliorate any potential problem with harassment, intimidation, or bullying in school or at school-sponsored activities. While no specific action is required and School needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- A. Respectful responses to harassment, intimidation, or bullying concerns raised by students, parents or school personnel;
- B. Planned professional development programs addressing bully/targeted individuals' problems;
- C. Data collection to document bully/victim problems to determine the nature and scope of the problem;
- D. Use of peers to help ameliorate the plight of victims and include them in group activities;
- E. Avoidance of sex-role stereotyping (e.g. males need to be strong and tough);

- F. Awareness and involvement on the part of all school personnel and parents with regards to bully-victim problems;
- G. An attitude that promotes communication, friendship, assertiveness skills, and character education;
- H. Modeling by staff of positive, respectful, and supportive behavior toward students;
- I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- J. Instruct students how to work together in a collaborative and supportive atmosphere; and/or

This policy shall appear in student handbooks, and in the publications that set forth the comprehensive rules, procedures, and standards of conduct for the School and students in the School. The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students and their custodial parents or guardians. Information regarding the policy shall be incorporated into employee training materials.

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided annually with age-appropriate instruction on the recognition and prevention of harassment, intimidation, or bullying, including discussion of the consequences of violating this policy, and their rights and responsibilities under this and other School policies, procedures, and rules at student orientation sessions and on other appropriate occasions.

A School employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy.

The Administration shall annually send to each student's custodial parent or guardian a written statement describing this policy and the consequences for violating it. The Administration shall semi-annually provide the president of the Board a written summary of all reported incidents and post the summary on the School's website to the extent permitted by state and federal student privacy laws.

B. Hazing (Policy 6.23)

Hazing activities are prohibited. No administrator, faculty member, or other employee shall encourage, permit, condone, or tolerate hazing. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any student, or other, organization that causes, or creates a substantial risk of causing, mental or physical harm to any person. Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibition contained in this policy.

All School employees are required to be alert to possible situations, circumstances or events which might include hazing. If an employee discovers that hazing has, will or might occur, the students involved shall be informed that hazing is prohibited and shall be directed not to engage in hazing. All hazing incidents shall be reported immediately to the Superintendent.

This policy shall be distributed to all students and School employees.

Failure to follow this policy could result in discipline and subject the violator to civil and criminal penalties.

C. Restraint and Seclusion (Policy 6.46)

The Board requires the implementation of an evidence-based, school-wide system or framework of non-aversive Positive Behavior Intervention and Supports (“PBIS”) by its employees to address inappropriate behavior by School students. As part of this framework, the School’s educational environments shall be structured to greatly reduce, and in most cases eliminate, the need to use the techniques of restraint or seclusion on School students. The PBIS prevention-oriented framework applies to all students, all staff, and in all settings.

Physical restraint and/or seclusion may only be used by trained School employees, and only when the dangerous behavior of a student creates an immediate risk of physical harm to the student or others and no alternative safe and effective intervention strategy is possible. Further, those techniques must be used in a manner that is age and developmentally appropriate. School employees shall utilize physical restraint and seclusion only in a manner that protects the safety of all children and adults within the School. Practices that do not adhere to the standards and requirements set forth in this policy are prohibited.

DEFINITIONS

Aversive Behavioral Interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or tastes, or other sensory stimuli such as climate control, lighting, and sound.

Behavior Intervention Plan: a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills, and by providing positive behavior intervention and supports and services to address behavior.

Chemical Restraint: a drug or medication used to control a student’s behavior or restrict freedom of movement. Chemical restraint is prohibited by the School in accordance with the Prohibited Practices Section of this policy. Chemical restraint does not apply to a drug or medication that is:

- A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and
- B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

De-escalation Techniques: interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent, and disruptive incidents.

Functional Behavior Assessment: a school-based process for students with disabilities and students without disabilities that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child, is to be obtained at the initial Functional Behavior Assessment.

Mechanical Restraint:

- A. Any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body by using an appliance or device manufactured for this purpose; but
- B. Does not mean a device used by trained student personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:
 - 1. Restraints for medical immobilization;
 - 2. Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
 - 3. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent:

- A. A biological or adoptive parent;
- B. A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);
- C. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- D. A surrogate parent who has been appointed in accordance with O.A.C. §3301-51-05 (E); or

- E. Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint: the use of physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

- A. To break up a fight;
- B. To knock a weapon away from a student's possession;
- C. To calm or comfort;
- D. To assist a student in completing a task/response if the student does not resist the contact; or
- E. To prevent imminent risk of injury to the student or others.

Positive Behavior Intervention and Supports: a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

Positive Behavior Intervention and Supports Leadership Team: the assigned team at the School and building level that plans, coaches, and monitors positive behavior intervention and supports implementation in the School and building. Positive behavior intervention and supports leadership teams may include, but are not limited to, School administrators, teacher representatives across grade levels and programs, staff able to provide behavioral expertise, and other representatives identified by the School such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone Restraint: physical or mechanical restraint while the individual is in the face-down position.

Seclusion: the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

Student: an individual enrolled in a School.

Student Personnel: teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, or other School staff members who interact directly with students.

Timeout: a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

PROFESSIONAL DEVELOPMENT

The following are requirements for professional development to be received by student personnel to implement positive behavior intervention and supports on a system-wide basis:

- A. Occurs at least every three years;
- B. Provided by a School positive behavior intervention and supports leadership team or an appropriate state, regional, or national source in collaboration with the School positive behavior intervention and supports leadership team;
- C. The trained positive behavior intervention and supports leadership team will provide professional development to the School in accordance with a School developed positive behavior intervention and supports training plan. The School shall retain records of completion of the professional development; and
- D. The professional development will include the following topics:
 - 1. An overview of positive behavior intervention and supports;
 - 2. The process for teaching behavioral expectations;
 - 3. Data collection;
 - 4. Implementation of positive behavior intervention and supports with fidelity;
 - 5. Consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and
 - 6. Consistency in discipline and discipline referrals.

PROHIBITED PRACTICES

The following are prohibited under all circumstances, including emergency safety situations:

- A. Prone restraint as defined in Executive Order 2009-13S;
- B. Corporal punishment, as defined in O.R.C. 3319.41;
- C. Child endangerment as defined in O.R.C. 2919.22;
- D. Seclusion or restraint of preschool students in violation of the provisions of O.A.C. 3301-37-10 and/or O.A.C. 3301-35-15;

- E. The deprivation of basic needs;
- F. Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following techniques:
 - 1. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
 - 2. Pinning down with knees to torso, head and/or neck;
 - 3. Using pressure points, pain compliance and joint manipulation techniques;
 - 4. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
 - 5. Using other students or untrained staff to assist with the hold or restraint;
 - 6. Securing a student to another student or to a fixed object;
 - 7. Otherwise involves techniques that are used to unnecessarily cause pain.
- G. Mechanical or chemical restraints;
- H. Aversive behavioral interventions; and
- I. Seclusion of students in a locked room.

RESTRAINT

School employees are expressly prohibited from using the emergency safety intervention techniques of “prone restraint” (physical or mechanical restraint while the student is in the face down position), which includes any physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student’s primary mode of communication.

Student personnel may use physical restraint only as a last resort and in accordance with this Board policy and O.A.C. 3301-35-15.

Physical restraint may be used only:

- A. If a student’s behavior poses an immediate risk of physical harm to the student or others and no other safe or effective method of intervention is available;
- B. If the physical restraint does not obstruct the student’s ability to breathe;
- C. If the physical restraint does not interfere with the student’s ability to communicate in the student’s primary language or mode of communication; and

- D. By student personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

Employees authorized to use the technique of physical restraint must:

- A. Only use those techniques of restraint for which they have been trained and authorized to use.
- B. Be appropriately trained to protect the care, welfare, dignity and safety of the student;
- C. Continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- D. Use the least amount of force necessary, for the least amount of time necessary;
- E. Use communication strategies and research-based de-escalation techniques in an effort to help the student regain control;
- F. Immediately remove the student from physical restraint or seclusion when the risk of physical harm to himself/herself or others has dissipated;
- G. Conduct a debriefing with all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- H. Complete all required reports and document all staff observations of the student and submit such material to the School's administrative office.

Following the use of physical restraint, the student should be assessed for injury or psychological distress and monitored as needed following the incident.

If, at any point, the staff assesses that the intervention is insufficient to maintain the safety of all involved, appropriate emergency contacts shall be made according to the School's crisis policy.

If a student repeatedly engages in dangerous behavior that leads to instances of restraint, the School shall conduct a functional behavioral assessment to identify the student's needs and more effective ways to address those needs. If necessary, the functional behavioral assessment will be followed by a behavioral intervention plan that incorporates appropriate positive behavioral interventions.

SECLUSION

Seclusion is a last resort safety intervention that provides an opportunity for the student to regain self-control. Seclusion may be used only if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective method of intervention is

possible. Seclusion shall never be used as a punishment or to force compliance, and should only be used in a manner that is age and developmentally appropriate.

A room or area used for seclusion shall provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student. The room or area used for seclusion shall never be locked, nor shall it prevent the student from exiting the area should staff become incapacitated or leave the area. The technique of seclusion shall be used for the least amount of time necessary.

Seclusion shall not be used for:

- A. The convenience of staff;
- B. As a substitute for an educational program;
- C. As a form of discipline or punishment;
- D. As a substitute for less restrictive means of assisting a student in regaining control, such that it is reflective of the cognitive, social, and emotional level of the student;
- E. As a substitute for inadequate staffing;
- F. As a substitute for staff training in PBIS, supports framework, and crisis management; or
- G. As a means to coerce, retaliate, or in a manner that endangers a student.

Staff using the technique of seclusion must:

- A. Be appropriately trained to protect the care, welfare, dignity, and safety of the student;
- B. Continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- C. Use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- D. Remove the student when the immediate risk of physical harm to self or others has dissipated;
- E. Conduct a de-briefing, including all involved staff, to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- F. Complete all required reports and document all staff observations of the student and submit such material to the School's administrative office.

If, at any point, the staff assesses that the intervention is insufficient to maintain the safety of all involved, appropriate emergency contacts shall be made according to the School's crisis policy.

MULTIPLE INCIDENTS OF RESTRAINT AND SECLUSION

- A. After the third incident of physical restraint or seclusion in a school year of a student who has been found eligible for special education services or has a 504 plan, the requirements are as follows:
 - 1. The student's individualized education program ("IEP") or 504 team will meet within 10 school days of the third incident;
 - 2. The IEP or 504 team will consider the need to conduct or develop a functional behavior assessment or behavior intervention plan, or amend an existing functional behavior assessment or behavior intervention plan.
- B. For students not described in (A), above, a team, consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members will meet within 10 school days of the third incident to discuss the need to conduct or review a functional behavior assessment and/or develop a behavior intervention plan.
- C. Nothing in this section is meant to prevent the completion of a functional behavior assessment or behavior intervention plan for any student who might benefit from these measures, but has fewer than three incidents of restraint or seclusion. The School may still conduct an evaluation or other obligation it determines appropriate under the Individuals with Disabilities Education Act.

TRAINING AND PROFESSIONAL DEVELOPMENT

All student personnel shall be trained annually on the Ohio Department of Education's policy regarding PBIS and restraint and seclusion, O.A.C. §3301-35-15, and this policy. Such training shall be kept current in accordance with the requirements of the provider of the training. The School shall maintain written or electronic documentation on such training, which shall include a list of all employees who have participated in the training. Further, an adequate number of employees in each building in the School shall be annually trained in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. The minimum training requirements are as follows:

- A. Proactive measures to prevent the use of seclusion or restraint;
- B. Crisis management;
- C. Documentation and communication about the restraint or seclusion with appropriate parties;
- D. The safe use of restraint and seclusion;
- E. Instruction and accommodation for age and body size diversity;

- F. Directions for monitoring signs of distress during and following physical control;
- G. Debriefing practices and procedures;
- H. Face-to-face training;
- I. Allow for a simulated experience of administering and receiving physical restraint; and
- J. Ensure that participants demonstrate proficiency in these minimum training requirements.

The School shall maintain written or electronic documentation that includes the following:

- A. The name, position, and building assignment of each person who has completed training;
- B. The name, position, and credentials of each person who has provided the training;
- C. When the training was completed; and
- D. What protocols, techniques, and materials were included in training.

As part of the training, student personnel are to be trained to perform the following functions:

- A. Identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- B. Use preventative assessments that include at least the following:
 - 1. A review of existing data;
 - 2. Input from parents, family members, and students; and
 - 3. Examination of previous and existing behavior intervention plans

REQUIRED DATA AND REPORTING

- A. Any incident of seclusion or restraint shall be immediately reported to building administration and the parent and also be documented in a written report that is issued to the parent immediately or within 24 hours. This written report is thereafter maintained by the School, including the county board of developmental disabilities or the educational service center in the event the School delegates this responsibility.

- B. The School shall annually report information regarding its use of restraint and seclusion to the Ohio Department of Education in the form and manner as prescribed by the Department.

COMPLAINT PROCESS

A parent may choose to file a complaint with the Ohio Department of Education, Office of Integrated Student Supports, in accordance with the complaint procedures outlined below.

- A. The parent forwards a copy of the complaint to the School serving the child at the same time the party files the complaint with the Ohio Department of Education.
- B. A sufficient complaint includes the following:
 - 1. A statement that the School has violated this policy;
 - 2. The facts on which the statement is based; and
 - 3. The signature and contact information for the parent.
- C. Timeline of the complaint:
 - 1. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
 - 2. The Ohio Department of Education, Office of Integrated Student Supports has a time limit of 90 days after the complaint is filed to:
 - a. Provide the School with the opportunity to respond to the parent, including, at the discretion of the School, a proposal to resolve the complaint;
 - b. Give the parent the opportunity to submit additional information, either orally or in writing, about the allegations of the complaint;
 - c. Review all relevant information and make an independent determination as to whether the School is violating a requirement;
 - d. Carry out an independent investigation, whether on-site or off-site, if the Ohio Department of Education determines that an investigation is needed;
 - e. Issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the Ohio Department of Education's final decision.

- D. This rule does not limit the ability of a parent of a student with a disability to file a complaint under any other provision of law.

MONITORING AND COMPLIANCE

The implementation of this policy shall be monitored. The School shall make its records concerning positive behavior intervention and supports and restraint and seclusion available to staff from the Ohio Department of Education upon request.

In addition to filing complaints with the Ohio Department of Education Office of Integrated Student Supports pursuant to the Complaint Process set forth above, parents of School students may file a complaint with other public agencies such as law enforcement, the Department of Job and Family Services, or the office of professional conduct within the Ohio Department of Education. Parents also may submit written complaints to the Superintendent regarding an incident of restraint or seclusion. Upon receipt of such complaint, the Superintendent shall initiate an investigation of the incident, and shall make reasonable efforts to have an in-person follow-up meeting with the parent within 30 days of receiving the parent's complaint.

The School will review this policy annually and will provide parents an annual notice to inform them of this policy, including the complaint process. The School will provide a support plan for substitute teachers to assist with positive behavior intervention and supports or crisis management and de-escalation, which includes restraint and seclusion.

7. Leaves

A. Family and Medical Leave Act (Policy 3.04)

- A. The Board of Directors shall provide leave to eligible personnel to the extent required by the federal Family and Medical Leave Act of 1993 (FMLA). This policy is not intended to grant eligible personnel greater leave rights than are provided for by FMLA, and it is not intended to reduce, eliminate, modify, or change any of the Board of Directors' rights, options, privileges, or prerogatives under FMLA.
- B. To be eligible for FMLA leave, a staff member:
1. Must have been a Board of Directors staff member for a total of at least 12 months, which need not be consecutive. The Board of Directors does not count employment periods occurring prior to a break in service of seven years or more, except as required by FMLA regulations; and
 2. Must have actually worked at least 1,250 hours for the Board of Directors during the 12 months immediately preceding the date on which the staff member's FMLA leave is to begin; and
 3. Must be employed at a worksite where 50 or more personnel are employed by the Board of Directors within 75 miles of that worksite.

C. FMLA Family Leave. Eligible personnel are entitled to up to a combined total of 12 workweeks of unpaid FMLA leave during any “12-month period” for one or more of the following reasons:

1. For the birth of a child and to care for the newborn child.
2. For placement with the staff member of a child for adoption or foster care.
3. To care for the staff member’s spouse, son, daughter, or parent with a serious health condition.
4. Because of a serious health condition that makes the staff member unable to perform the functions of the staff member’s job.
5. Because of any qualifying exigency arising out of the fact that the staff member’s spouse, son, daughter, or parent is a member of the U.S. Armed Forces and is on covered active duty or has been notified of a federal impending call or order to active duty in the Armed Forces in support of a contingency operation.
 - a. Short-notice deployment. Any issue that arises from notice of a call to active duty seven or fewer calendar days prior to deployment.
 - b. Military events. Attendance at any official ceremony, event, or program sponsored by the military or attendance at support or assistance programs sponsored by the military or military service organizations that are related to the call to active duty.
 - c. Childcare and school activities. Arranging alternative childcare, providing childcare on an urgent basis, enrolling in or transferring to a new school or daycare facility, or attending meetings at a school or daycare facility when necessitated by a call to active duty status.
 - d. Financial and legal arrangements. Making or updating financial or legal arrangements to address the absence caused by a call to active duty status, or acting as a representative for a covered military member for the purpose of obtaining or appealing military service benefits.
 - e. Counseling. Attending counseling (other than that from a health care provider) for the staff member, the covered military member, or a child of the covered military member necessitated by the call to active duty status.
 - f. Rest and recuperation. Spending time with a covered military member who is on short-term, temporary rest and recuperation leave.
 - g. Post-deployment activities. Attending arrival ceremonies or any official ceremony or program sponsored by the military for a period of 90 days following the termination of the active duty status, or addressing issues that

arise from the death of a covered military member while on active duty status.

- h. Any other events that arise out of the call to active status agreed to by the employer and staff member.

D. FMLA Military Caregiver Leave. An Eligible staff member who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a combined total of 26 workweeks of unpaid FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. During this 12-month period, the eligible staff member is entitled to a combined total of 26 workweeks of unpaid leave for any of the reasons set forth in this Policy under Subsection C or D.

E. An FMLA leave taken by an eligible staff member for any one or more of the foregoing reasons shall be counted against the staff member's FMLA leave entitlement.

F. The "12-month period" for purposes of determining the amount of FMLA Family Leave to which an eligible staff member is entitled under paragraph C., above, shall be the "rolling" 12-month period measured backward from the date a staff member uses FMLA Family Leave.

The "12-month period" for purposes of determining the amount of FMLA Military Caregiver Leave to which an eligible staff member is entitled under paragraph D., above, begins on the first day the staff member takes leave and ends 12 months after that date.

G. The Board of Directors shall count a leave concurrently against an eligible staff member's FMLA leave entitlement and against the staff member's entitlement, if any, to other appropriate types of leave, and vice versa.

H. The Board of Directors may require an eligible staff member to provide it with medical certification of a serious health condition in connection with FMLA leave under paragraphs C.3., C.4., or D. above. Failure to provide a requested medical certification may result in a delay or denial of the staff member's FMLA leave.

I. While an eligible staff member is on FMLA leave, the Board of Directors will maintain the staff member's group health insurance coverage(s) on the same terms and conditions as if the staff member was still at work.

J. While on FMLA leave, an eligible staff member must pay his/her portion of all premiums for group health insurance coverage(s) by providing the Fiscal Officer with a valid check for his/her portion of the premiums prior to the first day of each month. Failure to timely make such premium payments may cause lapse(s) in the eligible staff member's group health insurance coverage(s).

K. If an eligible staff member has taken an FMLA leave under paragraph C.4., above, the staff member must provide the Board of Directors with a fitness-for-duty certificate to be restored to employment.

- L. Upon return from FMLA leave, an eligible staff member shall be restored to the same position that the staff member held when the FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- M. If an eligible staff member fails to return to work from an FMLA leave, the staff member may be liable for payment of health insurance premiums paid by the Board of Directors during the staff member's FMLA leave
- N. Two eligible personnel of the School married to each other are limited to a total of:
 - 1. 12 workweeks of FMLA leave per 12-month period if the leave is taken for the purpose of the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or the care of the staff member's parent with a serious health condition; and
 - 2. 26 workweeks during a single 12-month period if the leave is taken for the sole purpose of caring for a covered servicemember (D. above) or for caring for a covered servicemember in combination with leave taken for the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or care of the staff member's parent with a serious health condition.
- O. The Board of Directors specifically retains all rights, options, privileges, and prerogatives that it has under FMLA.

B. Assault Leave (Policy 3.14)

Any employee who is unable to perform his or her duties because of injury or illness caused by a physical assault during the course of employment is entitled to paid leave and all benefits as if on sick leave according to the terms of this policy.

An employee requesting assault leave must also apply for Workers Compensation benefits. If Workers Compensation benefits are paid, the Board of Directors shall pay the employee the difference between the benefits received from Workers Compensation and the employee's regular salary. If Workers Compensation benefits are denied because the injury was not caused by or received during the course of employment, the assault leave shall also be denied.

Assault leave shall not exceed 30 days or the period during which Workers Compensation benefits are paid, whichever occurs first.

C. Jury Duty (Policy 3.16)

The School shall not discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any employee who is summoned to serve as a juror pursuant to Chapter 2313 of the Revised Code if the employee gives reasonable notice to the School of the summons

prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service.

The School shall not require or request an employee to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury.

The School is not required to provide annual, vacation, or sick leave to employees who otherwise are not entitled to those benefits under the employer's policies.

D. Health Insurance

Health insurance is provided to all full time employees through the Stark County COG. The Board shall provide for all full time employees a comprehensive insurance plan that provides for Medical (Hospital, Surgical and Major Medical) and ancillary insurances (Dental, Group Life, Prescription Drug and Optical Insurance).

The Board shall pay 90% of a single plan and 85% of a family plan to full-time employees who meet all insurance requirements. If both spouses are employed at GOAL and do not have dependents, they are required to each take Single Coverage Health insurance.

E. Insurance Incentive

An Insurance Incentive is offered to all full-time employees who choose not to enroll in our Health Insurance Plan. This payment is made per pay for a total of \$2600.00.

F. Life Insurance

Life insurance in the amount of \$30,000 at no cost to the employee. The Board of Education pays 100% of the total cost of coverage.

G. Flexible Spending Plan (Section 125)

A section 125 Flexible Spending Program is available to all staff for unreimbursed medical expenses and dependent care expenses.

H. Sick Leave

The School provides paid sick leave for regular employees due to personal illness, pregnancy, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. Immediate family is defined as: parents, grandparents, grandchildren, spouse, brothers, sisters, children, stepchildren, in-laws, aunt, uncle, and any person residing in the same household.

Sick leave may not be used to attend a routine medical or dental appointment unless the appointment can only be scheduled during normal work hours. Employees are to determine whether appointments can be scheduled on non-working days or during non-working hours.

Regular, full-time employees of the Board eligible for sick leave shall receive fifteen (15) such sick leave days annually at the rate of one and one-quarter (1-1/4) a month. Unused sick leave shall be cumulative.

A regular employee who has no accumulated sick leave will be advanced his/her unearned sick leave for the balance of any school year in which such advancement is necessary. Any such advanced sick leave credit will be charged against the subsequent accumulation of that employee. Substitutes or persons who are employed by the Board on an as-needed, seasonal, or intermittent basis, are not eligible for paid sick leave.

Employees must be in attendance on scheduled work days or be in authorized leave status. Employees who miss more than 2 consecutive days must turn in medical documentation. Sick leave MUST be documented in Kiosk System.

An employee may not work from home *in lieu of* utilizing sick leave.

I. Sick Leave Donation Policy (Policy 3.19)

Subject to the provisions in this policy, an employee may request sick leave donation due to a medical emergency. A medical emergency is defined as requiring a prolonged absence from work due to either maternity leave or, consistent with IRS guidance, a major illness or other medical condition (e.g., heart attack, cancer, etc.).

A prolonged absence from work is considered to be a prognosis of thirty (30) days or longer. This policy does permit sick leave donations for intermittent absences that are related to the same illness or condition.

1. **Employee Eligibility.** To be eligible to request a sick leave donation, an employee must:
 - A. be employed at the School for a minimum of sixty (60) days;
 - B. not have any disciplinary action in the previous six (6) months;
 - C. have exhausted all other forms of paid leave (including any advanced sick leave);
and
 - D. have not been notified that their contract will be non-renewed.
2. **Sick Leave Application.** An employee must submit a request in writing to the Superintendent identifying (A) the medical emergency, (B) the number of days being requested, and (C) what information about the medical emergency, if any, may be shared with coworkers. An employee also must provide (A) documentation from a health care provider identifying the medical emergency and the length of leave needed and (B) any related FMLA paperwork,

The requesting employee's identity may not be disclosed during the application process. An employee may not request more than thirty (30) days of sick leave per application.

3. Emergency Leave Committee.

- A. The application will be considered by a committee established by the School.
- B. The committee will include the Superintendent (or their designee) and two other administrators.
- C. Each request will be evaluated to determine whether the application meets the requirements of this policy. The decision by the committee is final.
- D. If approved by the committee, the School will notify other employees of an opportunity to donate leave to an employee.

4. Donation Restrictions.

- A. The School does not recommend that employees donate sick leave unless they have accumulated at least fifty (50) sick days.
- B. The School requires employees to retain a minimum balance of five (5) days of accrued sick leave at all times.
- C. An employee may not donate more than fifteen (15) sick days per school year.
- D. Donated sick days may not be used to enhance severance pay or to repay advanced sick days.
- E. The donation of sick days is anonymous.
- F. Employees donate sick leave by providing written consent. Once written consent has been provided, the decision to donate sick leave is irrevocable.
- G. The donating employee's identity will remain anonymous to the extent permitted by law.

J. Personal Leave

A maximum of three (3) paid personal days per year will be given to regular employees of the School to conduct personal business which cannot be performed except during the employee's regular working hours.

- A. A maximum of three (3) days' absence, with pay, will be granted for emergency purposes.
- B. The staff members direct supervisor must pre-approve use of emergency/personal leave before submitting through KIOSK. KIOSK must be submitted to the superintendent three (3) school days in advance of the intended day of absence, when possible. Personal days

are not to be abused and reason must be given for request and must be requested 72 hrs in advance.

- C. Personal leave days may not be accumulated beyond one contract year.
- D. Only five total staff may use personal/emergency leave on any given day. The superintendent may grant additional staff leave at the superintendent's discretion.
- E. Personal leave days may not be used for engaging in other gainful employment, during state testing periods, during the first or last week of school, or up against school holidays and vacations. The superintendent may grant emergency/personal leave during the state testing periods, with reason, on a case by case basis. Staff members found abusing personal leave shall be subject to discipline determined by the Board, and shall be required to repay the day or days to the Board through salary reduction.
- F. All unused personal days will be converted to sick days credit at the end of the school year. An employee who has taken no personal days during the school year will have the option of instead converting said days into pay. However, an employee who leaves GOAL for any reason other than retirement will not be eligible to convert said leave into pay.
- G. If a staff member cannot attend Parent Teacher Conferences, Mandatory Staff Meetings or Graduation they must use a full personal day or be docked.

K. Paid Holidays

Certified Employees do not receive paid holidays. Classified staff receive 6 holidays, some may receive 7. You must work the days before and after the holiday in order to be paid. July 4th does not count as a holiday for those who do not work the month of July. Employees on 230 days and above receive 10 paid holidays.

L. Payroll Deductions – STRS/SERS

Employees of a Board of Education contribute to the State Teachers Retirement System (STRS) or the School Employees Retirement System (SERS) in Ohio in lieu of contributing to Federal Social Security. The Board of Education pays 14% of the employee's salary amount into the State Teachers Retirement System for all certified employees, 14% of the employee's salary amount into the School Employees Retirement System for all non-certified employees. The Board shall compute and remit all applicable contributions to STRS and SERS based upon annual salaries and any other earned compensation(s).

M. Pay Periods

All contracted employees will be paid twenty-four (24) times per year. Pay dates will be the 15th and last day of each month. If those dates fall on a weekend or holiday, then pay will be on the closest work day prior to the 15th or last day of the month. Direct deposit is required for all employees.

N. Severance Pay

An employee who qualifies for retirement and elects to retire shall receive severance pay in the amount of 25% of all accumulated sick leave, up to a maximum of sixty (60) days. Such payment shall be based on the daily rate of pay at the time of retirement.

O. End of COVID Leaves

As the State of Ohio and the U.S. Federal Government have declared an end to the COVID-19 Public Health Emergency, all COVID-19 Policies and leaves, including mandatory quarantines due to exposure to or contraction of COVID-19, are no longer in effect. Employees should consult with the medical provider regarding any quarantine period and any leave taken shall comply with GOAL's applicable policies.

P. Attendance-Based Incentives

Recognizing the impact that absenteeism has on student learning, GOAL has established the following incentives for employee attendance. For purposes of establishing these incentives, an absence is defined as being absent from work for any reason. An occurrence is defined as a single event and any absence that is repeated or continued as a result of that event. Occurrences are determined at the sole discretion of GOAL. Employees who begin after the start of the school year (i.e., pro-rated employees) must work eight months to be eligible for attendance-based incentives. Employees who leave GOAL for any reason other than retirement are not eligible for any attendance-based incentives.

1. Attendance Incentive. GOAL provides an attendance bonus as follows.

Number of Absences during School Year	Bonus
0 Absences	\$1,000
1 Absence or 1 Occurrence	\$750
2 Absences or 2 Occurrences	\$500

An absence is defined as being absent from work for any reason.

2. Uniform Attendance Raise. A Uniform Attendance rate is the pay increase that is generally awarded to all GOAL employees. A Uniform Attendance Raise is not part of any additional merit raise, if any, is awarded. Any Uniform Attendance Raise will be subject to downward adjustment as follows:

<u>Attendance</u>	<u>Percent of Uniform Attendance Raise</u>
0 - 7% absences during current school year OR 3 or fewer occurrences.	100% of Uniform Raise
More than 7% absence on Scheduled days OR more than 3 occurrences.	50% of Uniform Raise

8. Miscellaneous Academic Information

Students with Special Needs

Students with disabilities who enroll should present current documentation, which includes a current evaluation team report and a current individual education plan. These documents will assist the team in making appropriate educational decisions for the student. GOAL Digital Academy provides ensures that all students are educated with the least restrictive environment.

Child Find

"Child Find" is an annual search to identify and evaluate all district children, birth through 21, who may not be receiving appropriate educational opportunities. Children who have suspected difficulties in motor skills, communication skills, cognitive areas or social/emotional functioning, are, upon request, eligible for evaluation and possible services regardless of their special education needs. Persons who are aware of a child who fits the criteria for a needs evaluation may contact the GOAL Office 1-419-521-9008 ext. 1110 or 1120.

OhioMeansJobs

The State of Ohio has developed online career planning tool that helps students discover career interests, explore future job options, build a future budget, create a resume and more. You may access Ohio Means Jobs planning tool at ohiomeansjobs.com by selecting the "K-12 Students" section.

9. Notices

A. Testing and Examinations (O.R.C. §3314.041)

GOAL Digital Academy is a community school established under Chapter 3314 of the Revised Code. Goal Digital Academy is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the GOAL Digital Academy that are prescribed by law. Students who have been excused from the compulsory attendance law for the purpose of home education as defined by the Administrative Code shall no longer be excused for that purpose upon their enrollment in a community school. For more information about this matter contact GOAL Digital Academy administration or the Ohio Department of Education.

B. Notification of Rights Under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day Goal Digital Academy (the "School") receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the Superintendent a written request that identifies the records they wish to inspect. The Superintendent will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend their child's or their education record should write the School Superintendent, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the School discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to School officials with legitimate educational interests. The criteria for determining who constitutes a School official and what constitutes a legitimate educational interest must be set forth in the School's annual notification for FERPA rights. A School official typically includes a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the School Board. A School official also may include a volunteer, contractor, or consultant who, while not employed by the School, performs an institutional service or function for which the School would otherwise use its own employees and who is under the direct control of the School with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another School official in performing his or her tasks. A School official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

5. The right to obtain a copy of the School's policy on student records.

C. Directory Information Notice

The Family Educational Rights and Privacy Act (FERPA) and Ohio law require that the School, with certain exceptions, obtain your written consent prior to disclosing personally identifiable information from your child's education records. However, the School may disclose "directory information" without written consent unless you have advised the School to the contrary.

The primary purpose of having directory information is to allow the School to include information from your child's education records in certain school publications. Examples include:

- displaying photos on the School's website
- honor roll or other recognition lists
- graduation programs and
- publishing information in a local newspaper or website

The Goal Digital Academy considers the following to be "directory information":

- Name, address and phone number
- Date and place of birth
- Photographs
- Major field of study
- Participation in officially recognized activities and sports
- Height and weight, if a member of an athletic team
- Dates of attendance at the School
- Grade level
- Date of graduation
- Degrees, honors and awards received
- Most previous educational agency or institution attended
- E-mail address
- Any other information which would not generally be considered harmful or an invasion of privacy if disclosed.

Any parent or adult student refusing to have any or all of the designated directory information disclosed must provide written notification to this effect and return it to the building principal on or before September 15 of this school year or within twenty (20) days of receiving this handbook.

In the event a refusal is not filed, GOAL Digital Academy will deem that neither the parent of a student nor an adult student objects to the release of the directory information designated.

D. Notice of Non-Discrimination

(Title VI, Title IX, Section 504, Age Discrimination Act, Title II, Boy Scouts of America Equal Access Act)

GOAL Digital Academy does not discriminate on the basis of race, color, national origin, sex, disability, gender identity, sexual orientation, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Tish Jenkins, Superintendent
890 West Fourth Street, Mansfield, OH 44906
419-775-4809
tjenkins@mygda.org

For further information on notice of nondiscrimination, visit:

<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

for the address and phone number of the office that serves your area, or call 1-800-421-3481.

E. Equal Employment Opportunity (Policy 3.00)

It is the policy of the Board of Education to comply with all federal and state laws, requirements and regulations prohibiting discrimination. It is the policy of the Board that no staff member or candidate for a position in the School shall, on the basis of race, color, religion, military status, national origin, creed or ancestry, age, sex, marital status, disability, or genetic information, be discriminated against, excluded from participation in, denied the benefits of, recruited, employed, assigned, evaluated, provided inservice education or other terms, conditions, and privileges of employment, or otherwise be subjected to discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall act as the compliance officer for the Board. The responsibility of the compliance officer shall be to insure that federal and state regulations are complied with and that any complaints are dealt with promptly in accordance with law.

Notice of the Board's policy on nondiscrimination in employment practices shall be posted throughout the School and published in any School statement regarding the availability of employment.

The Board directs the Superintendent to continually evaluate the School's employment practices to insure that equal opportunities are available to all applicants and employees based upon each individual's qualifications, merit, and job abilities.

F. Auditor of State Fraud Reporting System

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or through the United States mail. Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's office Special Investigations Unit 88 East Broad Street P.O. Box 1140 Columbus, OH 43215

Web: www.ohioauditor.gov

10. Acknowledgement of Receipt of Handbook

I, _____, acknowledge receipt of the Personnel Handbook (“Handbook”) for GOAL Digital Academy. I have read the Handbook and agree to be bound by the rules and regulations contained in the Handbook, as well as by other policies and administrative regulations, and rules that have been established by GOAL Digital Academy or may be established in the future. I also understand that GOAL has the right to change its policies, procedures, regulations and rules. I further agree to comply with the Licensure Code of Professional Conduct.

If there is a conflict between the information in this Handbook and any law, rule, policy, or regulation of the United States, State of Ohio, Ohio Department of Education, or GOAL Digital Academy Board of Directors, the law, rule, policy, regulation is the controlling authority.

I further understand that it is my responsibility to familiarize myself with all information in this Handbook. I agree to ask my Supervisor or Director of Human Resources to clarify any information in this Handbook that I do not understand. I acknowledge that this Handbook supersedes all prior handbooks that I might have received and that any oral or written statements or promises to the contrary are disavowed by the GOAL Digital Academy Board of Directors.

Signature

Printed Name

Date

SUCCEED

INSPIRE

LEARN

DISCOVER

EXPLORE

PARTICIPATE

ACHIEVE

LEAD