

# **Northwest Ohio Educational Service Center**

Our mission is to provide quality services and build valued partnerships through:  
Specialized services; innovative programs; responsiveness; collaboration

# **Independence Education Center**

Independence Education Center aims to provide a therapeutic environment where students feel safe to take healthy chances and feel good about themselves.

## **IEC Program Parent/Student Handbook 2018-19 School Year**

Kerri Gearhart, Superintendent  
Jill Gilliland, Director of Special Education  
Troy Slattman IEC Principal  
Mike Volkert, Head Teacher  
Holly Wichman, School Social Worker

Compliance Officers for Civil Rights, Section 504, ADA, Title IX:  
Female Rep. – Jill Gilliland; ph. 567-444-4800 ex. 4660  
Male Rep. – Steve Hastings; 567-444-4800 ex. 4674



**Northwest Ohio Educational Service Center  
205 Nolan Parkway  
Archbold, OH 43502  
567-444-4800  
567-444-4801 (fax)**

**Independence Education Center  
06950 Independence Rd  
Defiance, Ohio 43512  
567-444-4825  
567-444-4826 (fax)**

IEC Staff and Students,

I want to update you about a current situation at the Independence Education Center (“IEC”) that requires your attention. The City of Defiance Water Division tests the IEC water regularly for water quality. Because of the presence of certain chemical contaminants in the water, the IEC has had to have its water retested on multiple occasions. Upon inquiry, we were informed that the cause for this is high use of personal fragrance products such as perfumes, cosmetics and hand lotions that enter the IEC’s water system and impact the testing results.

As a result, we respectfully request that students and staff refrain from excessive use of products containing fragrances, which may enter into the IEC’s water system through hand washing or any other type of water use. Below is a sample list of products:

- Hand lotions with any type of fragrance
- Perfumes that are applied to the hands or wrists
- Scented sunscreens
- Hand soaps and detergents that contain a fragrance

We appreciate your cooperation with this important issue.

Sincerely,

*Kerri Gearhart*

Kerri Gearhart, NwOESC Superintendent

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INDEPENDENCE EDUCATION CENTER/NORTHWEST OHIO OPPORTUNITY SCHOOL

2018-19 School Calendar

Student Start Time 8:10

August				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

September				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

October				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

November				
M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

December				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

August	
Teacher Workday	13-14
First Student Day	15
September	
Labor Day - No School	3
Mid-terms	14
October	
End of 1st 9 weeks	11
Teacher Inservice - No School	12
November	
Mid-terms	20
Thanksgiving Break - No School	21-23
December	
End of 2nd 9 weeks	20
Parent Teacher Conference - No School	21
Christmas Break Begins	21
January	
Christmas Break Ends	2
No School - Martin Luther King Day	21
February	
Mid-terms	1
Teacher Inservice - No School	15
Presidents Day - No School	18
March	
End of 3rd 9 Weeks	7
Parent Teacher Conference - No School	8
Spring Break Begins - No School	25-29
April	
Mid-terms	18
Easter Break	19-22
May	
Last Student Day	23
Teacher Workday	24

Grading Periods	
1st Qrt. - August 15th - October 12	42
2nd Qrt. October 15th - December 21	47
3rd Qrt. January 3rd - March 8th	45
4th Qrt. March 11th - May 23rd	47
Student Days (6 hour day)	181
Teacher Work Days	184
Vacation Days - No School	
Teacher Work Days - No School	
P/T Conferences/Inservice - No School	
MID-TERMS	

Student End Time 2:30

January				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

February				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	

March				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

April				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

May				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

# Independence Education Center Staff

567-444-4825

## School Hours:

8:10 a.m. – 2:30 p.m.

It is important to always try to contact your child's teacher first, whenever you have a question or concern. Your child's teacher knows your child and will be in the best position to answer your questions.

### Troy Slattman Principal/Supervisor of Independence Education Center

NwOESC 567-444-4800 ext. 4677

IEC 567-444-4825 ext. 2

#### Head Teacher

Mike Volkert

[mvolkert@nwoesc.org](mailto:mvolkert@nwoesc.org)

#### School Social Worker

Holly Wichman

[hwichman@nwoesc.org](mailto:hwichman@nwoesc.org)

#### IEC Administrative Assistant

Tammy Johnston

[tjohnston@nwoesc.org](mailto:tjohnston@nwoesc.org)

#### Maintenance/Custodial

Chuck Lero

[clero@nwoesc.org](mailto:clero@nwoesc.org)

<u>Teachers</u>	<u>Grade(s)</u>	<u>Email</u>
Emily Hammersmith	K-2	<a href="mailto:Ehammersmith@nwoesc.org">Ehammersmith@nwoesc.org</a>
Sue Mabee	2-4	<a href="mailto:smabee@nwoesc.org">smabee@nwoesc.org</a>
	3-4	
Chris Millen	5-6	<a href="mailto:cmillen@nwoesc.org">cmillen@nwoesc.org</a>
Cathy Gribler	5-7	<a href="mailto:cgribler@nwoesc.org">cgribler@nwoesc.org</a>
Libby Fitzenreiter	8-12	<a href="mailto:EFitzenreiter@nwoesc.org">EFitzenreiter@nwoesc.org</a>
Scott Nixon	8-12	<a href="mailto:snixon@nwoesc.org">snixon@nwoesc.org</a>
Jennifer Wade	8-12	<a href="mailto:jwade@nwoesc.org">jwade@nwoesc.org</a>
Jonathan Chase	PE	<a href="mailto:jchase@nwoesc.org">jchase@nwoesc.org</a>

Project MORE, Reading Mentor Coordinator:

Tina Huerta – [vheurta@nwoesc.org](mailto:vheurta@nwoesc.org)

Stacy Parrish – [sparrish@nwoesc.org](mailto:sparrish@nwoesc.org)

Transition Services:

Jill Fouts [jfouts@nwoesc.org](mailto:jfouts@nwoesc.org)

Kelly Groll [kgroll@nwoesc.org](mailto:kgroll@nwoesc.org)

## **Northwest Ohio Educational Service Center**

### **Vision**

Providing Quality Services – Building Valued Partnerships

### **Mission**

Our mission is to provide quality services and build valued partnerships through:  
Specialized services; innovative programs; responsiveness; collaboration

### **Values & Beliefs**

- Partnership: We believe that partnership is the ongoing process of forming relationships between our NwOESC family and our customers and community.
- Credibility: We believe that anyone representing our organization will be honest, professional, trustworthy and accountable.
- Respect: We believe in each person by respecting and valuing individual beliefs and points of view as they relate to the goals of the organization.
- Student Success: We believe student success is nurtured by the joint cooperation of students, educators, parents and the community.
- Communication: We believe that timely and purposeful communication among all members of the organization and our partners is vital.

## **Independence Education Center**

### **Philosophy**

Independence Education Center strives to provide students with opportunities to succeed and grow as individuals. Independence Education Center aims to provide a therapeutic environment where students feel safe to take healthy chances and feel good about themselves.

### **Goals**

- Independence Education Center will provide a supportive environment to students in order to encourage positive behavioral growth and development.
- Independence Education Center will provide opportunities for students to encourage development of life and employment skills, therefore providing increased opportunities for post-school employment and independent living.
- Independence Education Center will use community resources to provide students and their families' access to family and community support.
- Independence Education Center will provide each student with a curriculum based on the Ohio Content Standards, yet that meets each student's needs based on his/her Individualized Education Plan.
- Independence Education Center will provide every student the opportunity to work with a behavior/mental health agency of their choice.

## **Transportation Telephone Numbers and Contact Person by School District**

**Remember:** Your child is transported to their special education program by the district you live in. Parents need to listen to delay/cancellation announcements for their **Home District** and **Independence Education Center**. If your home school is delayed or closed, transportation will follow that schedule. There is more information about this policy listed under **Weather Guidelines** of this handbook.

### **Transportation Directors by School District:**

If you have questions regarding your child's transportation, please call the Transportation Director in the school district in which you are living.

Archbold Area Local	Linda Schmidt	419-446-2728
Ayersville Local	Steve Brown	419-395-1111
Bryan City	Joe Beck	419-633-6232
Central Local	Phillip Hetrick	419-658-2378
Defiance City	Mark Widenhammer	419-782-7091
Edgerton Local	Kenny Leppelmeier	419-298-2112
Edon Northwest	Steve Livensparger	419-272-3213
Evergreen Local	Ron Whitehead	419-644-1375
Fayette Local	Ryan Eberly	419-237-2573
Hicksville Exempted	Anita Daniels	419-542-7665
Holgate Local	Kelly Davis	419-264-5141
Liberty Center Local	Sheri Stacey	419-533-5031
Millcreek West Unity	Al Wheeler	419-924-2365
Montpelier Exempted	Diann Sanders	419-485-6720
Napoleon Area City	Jeff Nicely	419-592-2403
Northeastern Tinora	Angie Bussing	419-497-3461
North Central Local	Eric Moreland	419-737-3406
Patrick Henry	Mike Meyers	419-274-6937
Pettisville Local	Deb Graber	419-446-2705
Pike-Delta-York Local	Jim Wolpert	419-822-3391
Stryker Local	Rick Ruffer	419-682-6961
Swanton Local	Jason Divoll	419-826-8891
Wauseon Exempted	Pam Waugh	419-335-6616

## **Weather Guidelines**

School delays and cancellations during inclement weather tend to cause some confusion because the weather does not affect all school districts in the same way. In order to avoid this confusion, the following procedures will be followed concerning school delays and/or cancellations.

- A. Watch for closings and delays in your Home District and Independence Education Center. If your home school is delayed or closed, transportation will follow that schedule. If Independence Education Center is delayed or closed, then Independence Education Center will follow that schedule and transportation will override home districts.
- B. The following radio and television stations carry school cancellations and delays between 6 a.m. and 7 a.m. for your information. The announcements will be listed under the heading of the local school districts and/or Independence Education Center.

WTVG Toledo 13 TV News

WNWO Toledo 24 TV News

WDFM 98.1 FM Defiance Radio

WTOL Toledo 11 News

- C. One Call Now alert system is available to our families. Please contact, Tammy Johnston, ([tjohnston#@nwoesc.org](mailto:tjohnston#@nwoesc.org) or 567-444-4825) office specialist, at the IEC to sign up to receive a text or voice mail to your cell phone, should the school be delayed or cancelled.

### **Parent Mentor**

The Parent Mentor program is a support network to parents of children with disabilities.

The Parent Mentor:

- Is available to any participating district at no cost to the district or parents.
- Is available to explain special education policies and procedures in understandable language.
- Provides support to parents, answers questions and listens to concerns.
- Researches and provides information on specific disabilities.
- Organizes and conducts workshops for parents and educators.
- Helps parents find and access community resources.
- Maintains a lending library of resource materials available to parents and educators. The lending library is located at the Northwest Ohio Educational Service Center. There is no fee for borrowing materials.

For more information about the Parent Mentor services, please contact:

**Nichol Herold** – Northwest Ohio Educational Service Center  
567-444-4800 ext. 4814

## **Independence Education Center General Information**

### **Arrival/Dismissal Times**

School hours are from 8:10 am to 2:30 pm. All students must be supervised by an adult for arrival and departure. Students are not allowed to walk or drive themselves to school. Students are not to arrive any earlier than 8:00 am and are to be picked up between 2:30 and 2:45 pm. If students are going to be picked up from school, or anything other than their normal routine, they must have a written note stating who will pick them up, what time they will leave and/or return back to school. In case of a 2-hour delay, students may not arrive any earlier than 10:00 am. Any student who is transported by their parent/guardian will be counted as tardy if they are more than 15 minutes late once their home district's bus arrives at IEC. In addition, any student being picked up by their parent/guardian more than 15 minutes prior to school ending (2:15) will be counted as partial attendance only.

### **Emergency Phone Numbers/Illness or Accidents at School**

If a student becomes ill or involved in an accident making it necessary for the child to go home, the parent/guardian will be contacted. We will contact you and send an incident report home when your child receives an injury (for example: a scratch, bruise or bump) at school. In addition, the teacher is likely to call you at work or at home when this happens. In the case of a head or other serious injury, you will be immediately phoned. If the parent/guardian cannot be reached, the emergency medical and emergency phone numbers will be used to contact someone. Since many of the students in the program have serious physical or emotional problems that may require immediate attention, parents are asked to provide the names and telephone numbers of three people who would be willing and able to take responsibility for the child in a crisis situation. A copy of the Emergency Phone Number Forms is located at the back of this packet. In the event that a parent cannot be reached, it may be necessary to contact the Children's Services Section of the Department of Human Services in order to secure supervision beyond the school day.

### **Injury at home or away from School**

Please write a note if your child has been hurt at home or away from school. It is very common for children to get bumped and bruised while playing or moving from one place to another. This is especially true for children with impaired sensory and movement skills. Since the children in our program may not tell us how a bruise or injury occurred, we are required to call or contact you and ask you about it. It is not our intention to offend you by asking and it will be a great help to us if you can write a note or call when your child has been injured away from school. The staff is required by law to report any suspicion of child abuse or neglect to the authorities. In the Four County area, this report would be directed to Job and Family Services departments of Fulton County (419-337-0010), Henry County (419-592-0946), Defiance County (419-782-3881) or Williams County (419-636-6725).

### **Free and Reduced Breakfast and Lunch Programs**

The application for free and reduced breakfast and lunch program is included in your packet. If you would like to apply, you will need to complete the application and return it within a specified period of time (typically before September 30<sup>th</sup>) to your child's teacher. The school where your child's class is located will determine if your child will qualify based upon federal guidelines. If you are unhappy with the decision, you have the right to appeal.

**Breakfast Costs:**      Regular - 1.75                      Qualified Reduced - \$0.30

**Lunch Costs:**              Regular - \$3.00                      Qualified Reduced - \$0.40

Breakfast and lunch are provided to students at Independence Education Center from the Northeastern Tinora Local School District. In the event that Independence Education Center is in attendance on a day when Northeastern Tinora is not, IEC will provide your child with a healthy meal. Lunches must be ordered by 9:00 AM, if student is arriving late, please call ahead to let us know if you want to order lunch.

### **Playground/Free Time**

IEC students have the opportunity to use playground equipment during recess and free time as designated by each teacher. It is important that appropriate dress will be necessary. This includes shoes or sneakers. Please send jackets, gloves, hats, and boots required for the weather we are experiencing. During this time, students are under the supervision and direction of assigned personnel.

### **School Pictures**

School pictures will be taken in the Fall. Notices will be sent out to all parents notifying all of the date and time of pictures.

### **Field Trips**

Independence Education Center will host 3-4 off-site field trips annually. Eligibility for participation is based on each student's behavior over the course of the 9 weeks leading up to the field trip. Participation in the field trip is a privilege, not a right. The administration reserves the right to revoke this privilege at any time and without warning if the administrator feels the student's behavior will impede the safety and/or positive experience for other participants. All students will be required to have a permission slip to attend any field trip. One comprehensive permission form will be sent home at the beginning the school year. In addition, the administration reserves the right to make attendance decisions on a case-by-case basis. FCCC students must have a 90% attendance rate for their lab and mainstreamed students must have a "C" or better class average along with the teacher's permission to miss class.

### **Visitor Policy**

In order to maintain confidentiality for the program, we ask that all visits/observations be approved and scheduled with the principal or head teacher. Please notify your child's teacher before your visit and remember to report to the school office of Independence Education Center and request that an Independence Education Center staff member escort you to the classroom. Community Agencies that are connected to the student are welcome to visit/observe during school hours with approval from administration.

### **Athletic and Extracurricular Activities**

Students are encouraged to participate in activities at their home school district whenever possible. Students who wish to participate in team or club sports should contact their Home District Principal to find out about participation and try-outs. The family will need to make transportation arrangements for students needing special transportation to a sport or after-school event. To make transportation arrangements, contact the Transportation Director of your Home School District.

### **Parent-Teacher Conferences and Communications**

Please remember that a teacher's most important job is the safety and well-being of your child. They are the leaders of instruction in the classroom and it is essential that they spend as much of their time as possible within the classroom working with your child and guiding the paraprofessionals to create maximum learning opportunities for each student.

### **Confidentiality**

- This staff respects the confidentiality of information regarding the physical, emotional and educational needs of each child. Information given to the teacher and paraprofessionals will be shared with the supervisor and staff who work directly with your child.
- Please do not ask for personal information regarding other children or staff. The staff cannot share any information or discuss other children and/or adults with you. For this reason, the teacher/staff cannot provide the names, addresses, telephone numbers or personal information of other children in the class.
- If you wish to help with a class event or celebrate your child's birthday at school, please contact your child's teacher to make arrangements. All treats should be individually wrapped. The teacher will be aware of any concerns regarding diet and allergies and can offer you appropriate suggestions for treats.
- If you have any questions regarding this policy, please contact your child's teacher.

Parents are encouraged to communicate often with their child's teacher through email, notes, communication logs, daily point sheets, and by leaving phone messages in the school office or on an individual staff member's voicemail. A teacher will return non-emergency phone messages as soon as possible. Teachers will respond to written notes and phone messages on the same day they are received, if possible. Changes in a student's routine, (i.e. transportation) should be communicated via note to the child's teacher, or call the office prior to 1:30 p.m.

Parent-Teacher Conferences will be scheduled during the school year as marked on the school calendar. The purpose of the conference is to allow parents and teachers the opportunity of discussing student progress in a personal and informal setting. Please plan to attend conferences, as this is a great time to touch base with your child's teachers and discuss any concerns you have about your child with the IEC staff.

An annual review of your student's IEP will be scheduled before the anniversary date of the IEP. District representatives will be invited to attend this meeting, as well. Parents and/or IEC staff may request an IEP review meeting at any time. Parents are encouraged to set up conferences and/or observations at other times, if concerns arise/continue. As a courtesy to the teacher, and to minimize classroom disruption, conferences and observations should be set up in advance at a mutually convenient time by contacting your child's teacher. Remember, when you are visiting the school, it is best to discuss your child's educational progress and to voice your questions and concerns either before or after school hours, or during a scheduled meeting.

### **Curriculum**

The Independence Education Center's curriculum follows the Ohio Department of Education Content Standards. Students are presented with grade-level expectations. Some students may have specific identified IEP goals and objectives that specifically outline specialized educational programming. Behavior/social goals are typically written in each IEC student's IEP as part of their daily educational programming. If there are questions regarding your child's curriculum, please contact the IEC principal.

### **Grades and Progress Reports**

IEP Progress Reports are issued four times a year at approximately 9-week intervals with your child's grade card. IEP Progress Reports will also be sent home following the home districts schedule. Parents are welcome to schedule an appointment with the teacher, related service provider, and/or administration to discuss a child's progress at any time. Teachers appreciate parents' interest in their child's progress. Many of our teachers write notes home and appreciate it when a parent is able to respond in writing or by phone before or after school.

### **Statewide Assessments**

According to Federal Guidelines, **No Child Left Behind**, each state is required to test the academic achievement of all children. This information is used by the Ohio Department of Education to identify students needing intervention and to rate each school district's ability to meet state standards set for Ohio's Public Schools. Your child will be administered the same high stakes testing as he/she would take at their home school. Their results will be counted for the school district of residence. The IEP team must decide whether the student will participate in the state achievement tests or whether they will take an Alternate Assessment. The Alternate Assessment is an alternate testing format based on extensions of the Ohio Revised Common Core Standards that demonstrates the student's progress toward the Ohio Department of Education State Standards.

### **Transition from Independence Education Center**

A student may transition back to his/her home school or to another school program when he/she has gained and internalized the needed skills to be successful in that educational setting. This is a team decision based on documentation collected by the student's teachers and other building staff, as well as on parent and home district input. It is important that the newly acquired behavioral skills are well integrated into the student's repertoire of behaviors in order that they can use them independently in the new educational environment. The transition plan is based on the individual strengths and skills of the student and considered and/or discussed when the student has consistently displayed behaviors that are acceptable in a traditional school setting. This typically occurs when a student reaches and maintains Level 4. As the student is able to earn/add mainstream classes, he/she will be expected to will follow the discipline guidelines within each classroom and within the district of mainstream. Once the student has earned the top level of the classroom point system and the frequency, duration and intensity of

focal behavioral issues have diminished, the IEP team will meet with the parent, the student (if appropriate), and the home district administrator to begin the transition process back to the home district if appropriate.

## **Policies Governing the NwOESC and IEC**

### **2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the Center's curriculum, without prior written consent of the student (if an adult, or an emancipated minor or, if an unemancipated minor), or his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

- A. political affiliations or beliefs of the student or his/her parents';
- B. mental or psychological problems of the student or his/her family;
- C. sexual behavior or attitudes;
- D. illegal, anti-social, self-incriminating or demeaning behavior;
- E. critical appraisals of other individuals with whom respondents have close, family relationships;
- F. legally-recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
- G. religious practices, affiliations, or beliefs of the student or his/her parents; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall ensure that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

No survey or evaluation containing one or more of the items listed in A-H above will require student signatures. The supervisor will inform parents of such a survey/evaluation or of a survey/evaluation created by a third party prior to disbursement by sending notification of such surveys/evaluations home with the students. The parent may contact the supervisor if s/he wants to preview the survey/evaluation beforehand, or deny participation by his/her child.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is receiving by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

## **5136.01 - ELECTRONIC EQUIPMENT**

While in some instances that possession and use of electronic equipment or devices by a student at school may be appropriate, often the possession and use of such equipment or devices by students at school can have the effect of distracting, disrupting and/or intimidating others in the school environment and leading to opportunities for academic dishonesty and other disruptions of the educational process. Consequently, the Governing Board will supply any electronic equipment or devices necessary for participation in the educational program. Students shall not use or possess any electronic equipment or devices on school property or at any school-sponsored activity without the permission of the classroom teacher and/or building administrator.

Examples of prohibited devices include, but are not limited to cameras (photographic and/or video), laptops, tablets (e.g., iPad-like devices), smartphones, e-readers (e.g., Kindle-like devices), personal digital assistants (PDAs), lasers, laser pens or pointers, radios, "boom-boxes", headphones, portable CD/MP3 players, portable TV's, electronic games/toys, pagers/beepers, other paging devices and/or recording devices, or other devices with one- or two-way audio communication technology.

Distracting behavior that creates an unsafe environment will not be tolerated.

Students are prohibited from using electronic equipment or devices in a manner that may be physically harmful to another person (e.g. shining a laser in the eyes of another student). Further, at no time may any camera or other electronic equipment/device be utilized by a student in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using a camera or other electronic equipment/device to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex (including sexual orientation/transgender identity), age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails or other materials of a sexual nature (i.e., sexting) in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are prohibited from using cameras and other electronic equipment/devices to capture, record or transmit test, information or any other information in a manner constituting fraud, theft, or academic dishonesty. Similarly, students are prohibited from using cameras and other electronic equipment and devices to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture and/or recording of such words or images. Using a camera or other electronic equipment/devices to capture, record or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Cameras and electronic equipment/devices are expressly banned from and may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment/device is absolutely prohibited.

Unauthorized electronic equipment and devices will be confiscated from the student by school personnel and disciplinary action taken.

Students are personally and solely responsible for the care and security of any electronic equipment or devices they bring to school. The Board assumes no responsibility for theft, loss, damage, or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices.

## **5200 – ATTENDANCE**

The educational program offered by this Center is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the Center during the days and hours that the Center is in session or during the attendance sessions to which s/he has been assigned.

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

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from the Center or from class for any reason, a written statement of the cause for such absence. The Governing Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

The Board considers the following factors to be reasonable excuses for time missed at the Center:

- A. personal illness (a written physician's statement verifying the illness may be required)
- B. illness in the family necessitating the presence of the child
- C. quarantine of the home
- D. death in the family
- E. necessary work home due to absence or incapacity of parent(s)/guardian(s)
- F. observation or celebration of a bona fide religious holiday
- G. out-of-state travel (up to a maximum twenty-four (24) hours per school year that the student's school is open for instruction) to participate in a Center-approved enrichment or extracurricular activity

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

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

- H. such good cause as may be acceptable to the Superintendent
- I. medically necessary leave for a pregnant student in accordance with Policy 5751

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

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

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

### Excessive Absences

When a student of compulsory school age is absent from school with or without legitimate excuse for thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year, the attendance officer shall notify the child's parent or guardian of the child's absences, in writing, within seven (7) school days after the date of the absence that triggered the notice requirement. At the same time written notice is given, any appropriate intervention action listed herein may be taken.

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

Legitimate excuses for the absence of a student who is otherwise habitually truant include but are not limited to:

- A. the student was enrolled in another school district;
- B. the student was excused from attendance in accordance with R.C. 3321.04; or
- C. the student has received an age and schooling certificate.

### Intervention Strategies

In order to address the attendance practices of a student who is habitually truant, the intervention team may, as part of an intervention plan, take any of the following intervention actions:

- A. may require habitual truant to undergo appropriate counseling
- B. request or require the student's parent to attend a parental involvement program
- C. request or require a parent to attend a truancy prevention mediation program
- D. notify the Registrar of Motor Vehicles of the student's absences
- E. take appropriate legal action
- F. assignment to an alternative school (Note: If the Center has established an alternative school, it must appear as an alternative intervention strategy.)

The Superintendent is authorized to establish an educational program for parents of truant students which is designed to encourage parents to ensure that their children attend school regularly. Any parent who does not complete the program is to be reported to law enforcement authorities for parental education neglect, a fourth class misdemeanor if found guilty.

Whenever any student of compulsory school age has sixty (60) consecutive hours in a single month or a total of ninety (90) hours of unexcused absence from school during the school year, s/he will be considered habitually absent. The Board authorizes the Superintendent to inform the student and his/her parents, guardian, or custodian of the record of absence s without legitimate excuse as well as the Center's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's unexcused absences.

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

This policy was developed after consultation with the judge of the juvenile court of Defiance County, with the parents, guardians, or other persons having care of the students attending school in the Center, and with appropriate State and local agencies.

### **5230 - LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the Independence Education Center. The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day. Tardy/Early Dismissal is anything that is 15 minutes later or prior to the home district's bus to the IEC. A Full Day is 6.5 hours – 8:00-2:30. 1-15minutes Tardy/Early Dismissal = .25 of an hour, 16-30 minutes = .5 of an hour, 31-45 minutes = .75 of an hour and 46-60 minutes = 1.0 hour.

As the agent responsible for the education of the children of this Center, the Board shall require that the school be notified in advance of such absences by written or personal request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the building administrator.

If one (1) parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school will presume that the student may be released into the care of either parent. No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her. No student shall be released to anyone who is not authorized such custody by the parents.

### **5310 - HEALTH SERVICES**

The Board may require students of the Center to submit to periodic health examinations:

- A. to protect the school community from the spread of communicable disease;
- B. to ensure that each student's participation in health, safety, and physical education courses meets his/her individual needs;
- C. to ensure that the learning potential of each child is not lessened by a remediable physical disability.

The Center may provide or require parents to provide:

- A. dental examinations;

- B. tests for communicable disease;
- C. vision and/or audiometric screening;
- D. scoliosis tests.

Any student who has been removed from a physical education class, or athletic practice or competition, by a teacher, coach, or referee because s/he has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any physical education class, or athletic practice or competition, for which the teacher, coach, or referee is responsible until both of the following occur:

- A. The student's condition is assessed by a physician in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student.
- B. The student receives written clearance that it is safe to return to physical education class, or athletic practice or competition, from a physician in accordance with requirements set forth in R.C. 3313.539(E)(2) to grant such a clearance.

### **5330 - USE OF MEDICATIONS**

The Board shall not be responsible for the diagnosis and treatment of student illness. With the exception of diabetes care covered under Policy 5336, the administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a licensed health professional authorized to prescribe drugs and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from a licensed health professional authorized to prescribe drugs accompanied by the written authorization of the parent. Before any nonprescribed medication or treatment may be administered, the Board shall require the prior written consent of the parent along with a waiver of any liability of the Center for the administration of the medication and made available to the persons designated by this policy as authorized to administer medication or treatment. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention and of the Student Code of Conduct/Discipline Code.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place, unless the medications require refrigeration in which case they shall be stored in a refrigerator in a place not commonly used by students, and unless the medication to be administered is diabetes medication, which must be kept in an easily accessible location pursuant to Policy 5336.

Parents may administer medication or treatment, with the exception of diabetes care covered under Policy 5336.

Additionally, students may administer medication or treatment to themselves, if authorized in writing by their parents and a licensed health professional authorized to prescribe drugs.

However, students shall be permitted to carry and use, as necessary, an asthma inhaler or other emergency medication(s), provided the student has prior written permission from his/her parent and physician.

Additionally, students shall be permitted to carry and use, as necessary, an epinephrine autoinjector to treat anaphylaxis, provided the student has prior written approval from the prescriber of the medication and his/her parent/guardian, if the student is a minor, and has submitted written approval to the principal and any school nurse assigned to the building. The parent or the student shall provide a back-up dose of the medication to the principal or school nurse. This permission shall extend to any activity, event, or program sponsored by the school or in which the school participates. In the event epinephrine is administered by the student or a school employee at school or at any of the covered events, a school employee shall immediately request assistance from an emergency medical service provider (911). Students with diabetes authorized to attend to their diabetes care and management may do so in accordance with Policy 5336.

Students shall be permitted to possess and self-administer over-the-counter topical sunscreen products while on school property or at a school-sponsored event.

With the exception of diabetes care covered under Policy 5336, only employees of the Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Board may administer prescription drugs to students in school.

With the exception of diabetes care covered under Policy 5336, provided they have completed the requisite training, the following staff are authorized to administer medication and treatment to students:

- A. director
- B. teacher
- C. school nurse
- D. building secretary
- E. aide (paraprofessional)
- F. others as designated by student's IEP and/or 504 plan

With the exception of diabetes care covered under Policy 5336, the Board shall permit the administration by a licensed nurse or other authorized staff member of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a licensed health professional authorized to prescribe drugs and the nurse/staff member has completed any and all necessary training.

Students who may require administration of an emergency medication shall have such medication in their possession upon written authorization of their parent(s) and physician or, such medication, upon being identified as aforementioned, may be stored in an area designated by the building administrator and administered in accord with this policy and Policy 5336.

All dental disease prevention programs, sponsored by the Ohio Department of Health, and administered by school employees, parents, volunteers, employees of local health districts, or employees of the Ohio Department of Health, which utilize prescription drugs for the prevention of dental disease and which are conducted in accordance with the administrative guidelines of the Ohio Department of Health are exempt from all requirements of this policy.

## **5500 - STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community. The

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in all programs of the District. It is the responsibility of students, teachers and administrators to maintain a classroom environment that:

- A. allows teachers to communicate effectively with all students in the class;
- B. allows all students in the class the opportunity to learn;
- C. has consequences that are fair and developmentally appropriate;
- D. considers the student and the circumstances of the situation; and
- E. enforces the student Code of Conduct/Student Discipline Code accordingly.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct/Student Discipline Code. This Code of Conduct/Student Discipline Code shall be reviewed periodically.

## **5511 - DRESS AND GROOMING**

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the rights of students and their parents to make decisions regarding their appearance, except when their choices affect the educational program of the schools.

Accordingly the Superintendent shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

- A. presents a hazard to the health or safety of the student himself/herself or to others in the school;
- B. materially interferes with school work, creates disorder, or disrupts the educational program;
- C. causes excessive wear or damage to school property;
- D. prevents the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

The Superintendent shall develop procedures to implement this policy which:

- A. designates the building administrator as the arbiter of student dress and grooming in his/her building;
- B. instructs staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- C. ensures that all rules implementing this policy impose only minimum and necessary restrictions on the

- exercise of the student's taste and individuality;
- D. students who violate the foregoing guidelines will not be admitted to class and may be suspended from school.

### **Independence Education Center Student Dress Code**

#### **Permissible Clothing and Jewelry:**

- Pants are to be worn at the waist.
  - Skirts and shorts may be no shorter than 4 inches above the knee.
  - Stretch pants and tights may be worn with blouses, skirts and shorts no shorter than 4 inches above the knee.
- Undergarments, chest and stomach must be covered at all times.
- Tank tops with shoulder straps 3 inches or wider may be worn.
- Shirts and blouses must have standard sized armholes, no cut outs.

#### **The following items are NOT permitted as they can be a distraction to the learning process.**

- T-shirts pertaining to violence, sex, drugs, alcohol or tobacco products
- Pajamas, night clothes, robes
- Hats, sunglasses
- Hoop and dangle earrings longer than 1 inch, gauges, plugs, large ear ornaments and neck chains.

#### **Hair:**

- Hair must be groomed so as not to be a distraction to the learning process.
- Hair dye and highlights are permissible but if it becomes a distraction to the educational environment, discipline action may be taken.

### **5512 - USE OF TOBACCO**

The Governing Board is committed to providing students, staff, and visitors with an indoor tobacco and smoke-free environment. The negative health effects of tobacco use for both the users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events.

## **Tobacco Policy**

Students are not permitted to have any tobacco products on school property. This will include but is not limited to cigarettes, cigars, pipes, papers, chewing tobacco, E Cigs, lighters, and matches. Failure to comply with this rule will result in the following offenses:

1<sup>st</sup> Offense: Lost Level Day – Parent/Guardian will be notified.

2<sup>nd</sup> Offense: Partial/Proportional Level Drop – Parent/Guardian will be notified

3<sup>rd</sup> Offense: Proportional Level Drop – Parent/Guardian will be notified.

**Please note: ALL ITEMS THAT ARE CONFISCATED WILL NOT BE RETURNED. ANY ITEM THAT MAY BE CONSIDERED ILLIGAL OR DRUG RELATED WILL FALL UNDER THE DRUG AND ALCOHOL POLICY, WHICH MAY RESULT IN SUSPENSION/EXPULSION.**

### **5513 - CARE OF SCHOOL PROPERTY**

The Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Board charges each student in the schools of this District with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use. A reward may be offered for apprehending any person who vandalizes school property.

In accordance with law, students who cause damage to school property shall be subject to disciplinary measures and their parents shall be financially liable for such damage to the extent of the law, except that students over eighteen (18) years of age shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of school equipment, apparatus, musical instruments, library materials, textbooks, and for damage to school buildings, and reserves the right, to the extent permitted by law, to withhold a report card or credits from any student whose payment of such fine is in arrears.

The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature. An attempt will be made to contact the parents prior to making a referral to juvenile authorities.

The Superintendent shall develop procedures to implement this policy which include:

- A. rules for the safekeeping and accounting of textbooks;
- B. preparation of a schedule of fines for lost or damaged textbooks;
- C. a report to the Board as appropriate, on the incidence of vandalism which shall include the number and kind of incident, the cost of vandalism to the District, and such related facts and comments as the Superintendent may wish to make.

The Board reserves the right to offer a reward to persons other than school employees and their immediate family for information leading to the arrest and conviction of any person who commits any violation of law on property owned or under the control or management of the Board.

## **5517 - ANTI-HARASSMENT**

### **General Policy Statement**

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

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

For purposes of this policy, "School Center community" means students, administrators, and professional and classified staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

### **Other Violations of the Anti-Harassment Policy**

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

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

### **Definitions:**

#### **Bullying**

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

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

## **Harassment**

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

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

## **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

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

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

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender. Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a Center employee or other adult member of the School Center community into a student's personal space and personal life.
- J. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

NOTE: Sexual conduct/relationships with students by Center employees or any other adult member of the School Center community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to Center employees or other adult members of the School Center community.

### **Race/Color Harassment**

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

such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

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

### **National Origin/Ancestry Harassment**

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

### **Disability Harassment**

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

### **Reports and Complaints of Harassing Conduct**

Students and all other members of the School Center community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or other Center official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Center employee or official who receives such a complaint shall file it with the Center's Anti-Harassment Compliance Officer within two (2) school days.

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

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal

informed of the status of the Policy 5517 investigation and provide him/her with a copy of the resulting written report.

### **Anti-Harassment Compliance Officers**

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the Center. They are hereinafter referred to as the "Compliance Officers".

Director of Special Education	Special Education Supervisor
Jill Gilliland	Steve Hastings
205 Nolan Parkway	205 Nolan Parkway
Archbold, OH 43502-0250	Archbold, OH 43502-0250
567-444-4800	567-444-4800
567-444-4802 (FAX)	567-444-4802 (FAX)

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

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School Center community or a visitor to the Center, or receive complaints that are initially filed within a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School Center community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

### **Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a Center employee or any other adult member of the School Center community against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (3) to the Superintendent or other Center-level employee; and/or (3) directly to one of the Compliance Officers.

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

The School Center's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.

- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the School Board's records retention policy and/or Student records policy. (See Policy 8310 and Policy 8330)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, principal, or other Center employee at the student's school, the Compliance Officer, Superintendent, or another Center employee who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other Center employee at the student's school, Superintendent, or other Center employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the

proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

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

Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

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

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

### **Privacy/Confidentiality**

The School Center will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School Center community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

### **Sanctions and Monitoring**

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

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

### **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

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

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

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

### **Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension**

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

### **Education and Training**

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

### **5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

The Governing Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes aggressive behavior, physical, verbal, and psychological abuse, and violence within a dating relationship. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the Educational Service Center, including activities on school property, on a school bus, or while enroute to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, Center employees, volunteers, students, and community members as prescribed in R.C. 3313.666 and the State Board of Education's Model Policy.

## **Harassment, intimidation, or bullying means:**

- A. any intentional written, verbal, electronic, or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s); 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.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means cyberbullying through electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) more than once and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Any student or student's parent/guardian who believes s/he has been or is the victim of aggressive behavior should immediately report the situation to the building principal, assistant principal, supervisor, or the Superintendent. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal or supervisor should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about aggressive behavior that may violate this policy shall be promptly investigated. The building principal or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, and/or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

If the investigation finds an instance of harassment, intimidation, and/or bullying/cyberbullying by an electronic act or otherwise, has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include suspension or up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Retaliation may result in disciplinary action as indicated above.

Deliberately making false reports about harassment, intimidation, bullying and/or other aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Deliberately making false reports may result in disciplinary action as indicated above.

If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action. The Center shall implement intervention strategies (AG 5517.01) to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of bullying against a specific student are verified, the building principal or appropriate administrator shall notify the custodial parent/guardian of the victim of such finding. In providing such notification care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, and/or bullying.

If after investigation, acts of harassment, intimidation, and/or bullying by a specific student are verified, the building principal or appropriate administrator shall notify in writing the custodial parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification.

## **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/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 building principal or supervisor for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal or anonymous complaints of conduct that they consider to be harassment, intimidation, and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal or supervisor for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

### **Privacy/Confidentiality**

The Center will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the Center web site (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. Center personnel shall cooperate with investigations by such agencies.

### **Immunity**

A Center employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, and/or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

### **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the Center and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian.

The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the Center and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedures.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the Center community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and aggressive behavior and bullying in general, will be age and content appropriate.

Annually, the Center shall provide all students enrolled in the Center with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the building principal or supervisor to examine the dating violence prevention instruction materials used in the school, will be afforded an opportunity to review the materials within a reasonable period of time.

The Center shall provide training, workshops, and/or courses on this policy for school employees and volunteers who have direct contact with students, to the extent that State or Federal funds are appropriated for these purposes. Time spent by school staff in these training programs shall apply toward mandated continuing education requirements.

In accordance with Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development.

The Superintendent shall develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

## **5530 - DRUG PREVENTION**

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

For purposes of this policy, "drugs" shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Ohio statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids;
- F. any substance containing betel nut (areca nut);
- G. any substance that is a "look-alike" to any of the above.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on Center grounds on Center vehicles at any Center-sponsored event.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;

- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
  1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
  2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
  4. promotes positive emotional health, self-esteem, and respect for one's body;
  5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;
- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the School Center's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- J. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the Center's policy and administrative guidelines on Search and Seizure (5771), and Suspension and Expulsion (2645), are complied with fully.

The Superintendent shall establish administrative guidelines necessary to implement this policy.

## **5610.02 - SUSPENSION FROM SPECIAL EDUCATION PROGRAM**

The Board recognizes that suspension from a special education program is the most severe sanction that can be imposed on a student with disabilities and one which shall be imposed only to protect the safety and well-being of other students.

For purposes of this policy, "suspension" shall be the temporary exclusion of a student from a special education program and/or special education transportation.

A student may be suspended by the local program authority. Such action shall be reported to the local district superintendent and the County Superintendent as soon as possible. The Placement Team shall determine if the misconduct results from the disabling condition, and, if so, an appropriate alternate educational program must be prescribed.

No student shall be deprived of the right to an education in the public schools of the District without notice of the charges to him/her and his/her parents and an opportunity to be heard in his/her own behalf before the person or body with the authority to reinstate him/her. Each student shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension.

### **5630.01 POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION**

The Governing Board is committed to the Educational Service Center-wide use of Positive Behavior Intervention and Supports ("PBIS") with students and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Student Personnel shall work to prevent the need for the use of restraint and/or seclusion. PBIS shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential conflicts. PBIS emphasizes prevention of student behavior problems through the use of non-aversive techniques, which should greatly reduce, if not eliminate, the need to use restraint and/or seclusion.

Professional staff members and support staff determined appropriate by the Superintendent are permitted to physically restrain and/or seclude a student, but only when there is immediate risk of physical harm to the student and/or others, there is no other safe and effective intervention possible, and the physical restraint or seclusion is used in a manner that is age and developmentally appropriate and protects the safety of all children and adults at school.

All restraint and seclusion shall only be done in accordance with this Policy, which is based on the standards adopted by the State Board of Education regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of restraint and seclusion will be provided to all professional staff and support staff determined appropriate by the Superintendent. Training will be in accordance with the State's Standards. Only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this Policy.

The Board shall annually notify parents of this policy, and publish it on the District's website.

### **DEFINITIONS**

**Aversive behavioral interventions** means 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 taste.

**Chemical restraint** means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

- 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** are strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

**Functional behavior assessment** ("FBA") is a collaborative problem-solving process that is used to describe the "function" or purpose that is served by a student's behavior. Understanding the "function" that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

**Mechanical restraint** means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose. Mechanical restraint does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:

- A. restraints for medical immobilization;
- B. 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
- C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent** means:

- 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 Ohio Administrative Code 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 the child.

**Physical escort** means 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** means the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. Physical restraint 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 to:

- A. break up a fight;
- B. knock a weapon away from a student's possession;
- C. calm or comfort;

- D. assist a student in completing a task/response if the student does not resist the contact; or
- E. prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

**Positive Behavior Intervention and Supports ("PBIS")** means a school-wide systematic approach to embed evidence-based practice and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

**Positive Behavior Support Plan** means the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

**Prone restraint** means physical or mechanical restraint while the student is in the face-down position for an extended period of time.

**Seclusion** means 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** means a child or adult aged three (3) to twenty-one (21) enrolled in the Center.

**Student Personnel** means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, or other Center staff who interact directly with students.

**Timeout** means a behavioral intervention in which the 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.

## **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS**

Positive Behavior Intervention and Supports ("PBIS") creates structure in the environment using a non-aversive effective behavioral system to improve academic and behavior outcomes for all students.

The PBIS prevention-oriented framework or approach shall apply to all students and staff, and in all settings.

PBIS shall include:

- A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific inappropriate behavior may occur;
- B. preventative assessments that include:
  - 1. review of existing data;
  - 2. interviews with parents, family members, and students; and

3. examination of previous and existing behavioral intervention plans.
- C. development and implementation of preventative behavioral interventions, and the teaching of appropriate behavior, including:
1. modification of environmental factors that escalate inappropriate behavior;
  2. supporting the attainment of appropriate behavior; and
  3. use of verbal de-escalation to defuse potentially violent dangerous behavior.

## **SECLUSION**

Seclusion may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion may be used only as a last resort safety intervention that provides the student with an opportunity to regain control of his/her actions. Seclusion must be used in a manner that is age and developmentally appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this Policy and the Ohio Department of Education's ("ODE") corresponding policy.

Seclusion shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity and safety of the student.

### **Additional requirements for the use of seclusion:**

If Student Personnel use seclusion, they must:

- A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;
- D. assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;
- E. conduct a debriefing 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 their observations of the student.

### **Requirements for a room or area used for seclusion:**

A room or area used for seclusion must provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student.

A room or area used for seclusion *must not be locked* or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

### **Additional prohibited seclusion practices:**

Seclusion shall never be used as a punishment or to force compliance.

Seclusion shall not be used:

- A. for 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 alternatives;
- E. as a substitute for inadequate staffing;
- F. as a substitute for staff training in positive behavior supports and crisis prevention and intervention;
- G. as a means to coerce, retaliate, or in a manner that endangers a student; or
- H. if it deprives the student of basic needs.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be secluded from his or her classmates, either in the classroom or in a safe, lighted, and well-ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

### **RESTRAINT**

There are different types of restraint, as defined above, including physical restraint,

prone restraint, mechanical restraint, and chemical restraint. The use of restraint other than physical restraint is prohibited.

Physical restraint may be used only when the student's behavior poses an immediate risk of physical harm to the student and/or others and no other safe and/or effective intervention is possible. The physical restraint must be implemented in a manner that is age and developmentally appropriate, does not interfere with the student's ability to communicate in his/her primary language or mode of communication, and otherwise in compliance with this Policy and the ODE's corresponding policy.

Physical restraint shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity and safety of the student, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

### **Additional requirements for the use of physical restraint:**

If Student Personnel use physical restraint, they must:

- A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

- B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;
- D. assess the student for injury or psychological distress after the use of physical restraint, and monitor the student as needed following the incident;
- E. conduct a debriefing 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 their observations of the student.

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

### **Prohibited Restraint Practices**

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

- A. prone restraint as defined in Executive Order 2009-13 (which defines prone restraint to mean "all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time");
- B. physical restraint that restricts the airway of a student or obstructs the student's ability to breathe;
- C. physical restraint that impacts the student's primary mode of communication;
- D. restraint of preschool-age students, except for holding a child for a short period of time, such as in a protective hug, so that the child may regain control;
- E. restraint that deprives the student of basic needs;
- F. restraint that unduly risks serious harm or needless pain to the student, including physical restraint that involves 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/obstructing respiration in any way;
  2. pinning down the student by placing knees to the torso, head and/or neck of the student;
  3. using pressure points, pain compliance, or joint manipulation;
  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; or

- 6. securing the student to another student or to a fixed object.
- G. mechanical restraint (that does not include devices used by trained Student Personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed); or
- H. chemical restraint (which does not include medication administered as prescribed by a licensed physician).

### **ADDITIONAL PROHIBITED PRACTICES**

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

- A. corporal punishment;
- B. child endangerment as defined in Ohio Revised Code 2919.22; and
- C. aversive behavioral interventions.

### **CONTACT LAW ENFORCEMENT AND/OR EMERGENCY RESPONSE PERSONNEL**

In accordance with the Board's Emergency Management Plan (see Policy 8400), Center personnel shall contact law enforcement and/or appropriate emergency response personnel if at any point they determine that an intervention (either a restraint or seclusion) is insufficient to maintain the safety of all involved.

### **FUNCTIONAL BEHAVIORAL ASSESSMENT AND BEHAVIOR INTERVENTION PLAN**

If a student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, Center personnel shall conduct a functional behavioral assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, Center personnel shall also develop a behavior intervention plan that incorporates positive behavioral interventions.

### **TRAINING AND PROFESSIONAL DEVELOPMENT**

The Center shall provide training as follows:

- A. All Student Personnel, as defined in this Policy, shall be trained annually on the requirements of the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion; Ohio Administrative Code 3301-35-15; and this Policy.
- B. the Superintendent, in consultation with each school building's principal and/or director, shall identify which Center employees should receive additional training so that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques, including the use of restraint and seclusion. Center employees who receive such additional training must keep their training current in accordance with the requirements of the provider of the training.
- C. The Superintendent shall develop a plan to provide training to school personnel, as defined in this Policy, so that Positive Behavior Intervention and Supports are implemented on a Center-wide basis.

Implementation of PBIS throughout the Center may be a multi-year process, with training taking place over several years.

The Center shall maintain written or electronic documentation on training provided and lists of participants in each training.

Only individuals trained in accordance with this Policy in the appropriate use of restraint and seclusion may use those techniques.

## **MONITORING AND COMPLAINT PROCEDURES**

The Superintendent shall monitor the implementation of this policy.

Any parent of a child enrolled in school in the Center may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint.

## **REQUIRED DATA AND REPORTING**

Each use of restraint or seclusion shall be:

- A. documented in writing;
- B. reported to the building administration immediately;
- C. reported to the parent immediately; and
- D. documented in a written report.

A copy of the written report shall be made available to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. A copy of the written report shall also be maintained in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act ("FERPA"), and Center personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of restraint and seclusion.

The Superintendent shall report information concerning the use of restraint and seclusion annually to the Ohio Department of Education as requested by that agency, and shall make the Center's records concerning restraint and seclusion available to the staff of the Ohio Department of Education upon request.

\* Adapted from the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion, adopted January 15, 2013.

## **6152.01 - WAIVER OF SCHOOL FEES FOR INSTRUCTIONAL MATERIALS**

The Northwest Ohio Educational Service Center shall waive fees assessed by the Center for instructional materials only for students whose parent(s) or guardian are unable to afford them. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the

requests for the waiver of fees. This waiver does not include Center fees associated with extra-curricular activities or student enrichment programs that are not part of a course of instruction.

Additionally, the Center may charge fees for tools, equipment, and materials, as specified, that are necessary for workforce-readiness training that may be retained by the students after completion of the course.

### **Eligibility Standards**

- A. Students who qualify for aid under Ohio Works First (R.C. 5107) or Disability Assistance (R.C. 5115).
- B. Students who qualify for free lunch under the National School Lunch Act.

### **Notification to Parents**

- A. Annually the substance of this policy shall be communicated in writing to the parent(s) or guardian of all students in the Center.
- B. Students who qualify for free lunch under the National School Lunch Act.
- C. The first bill or notice sent to parents or guardians who owe fees shall state:
  - The Center will waive fees for persons unable to afford them in accordance with its policy.
  - 2. The procedure for applying for a fee waiver, and the name, address and telephone number of the person to contact for information concerning a fee waiver.

### **Procedures for Resolution of Disputes**

- A. A parent(s) or guardian who cannot pay school fees may write a letter requesting a waiver of fees to the Superintendent. The letter must contain the following:
  - 1. name(s) of student(s)
  - 2. name of parent(s) or guardian(s)
  - 3. address of parent(s) or guardian(s)
  - 4. phone number of parent(s) or guardian(s)
  - 5. school where child(ren) attend(s)
  - 6. reason for request for waiver of fees

The Superintendent shall have the authority to review the waiver request and request such further information, if any, as s/he deems necessary in order to make a decision on that request.

- B. No fee shall be collected from any parent(s) or guardian who is seeking a fee waiver in accordance with the Center's policy until the Center has acted on the initial request or appeal (if any is made), and the parent(s) or guardian have been notified of the decision.

- C. If the Superintendent denies a request for fee waiver, then a copy of the decision shall be mailed to the parent(s) or guardian within fifteen (15) school days of receipt of the request. The decision shall state the reason for the denial and shall inform the parent(s) or guardian of the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parent(s) or guardian that reapplication may be made for a waiver any time during the school year, if circumstances change. The decision of the Superintendent is final.

## **Nondiscrimination**

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials or pay required fees and those whose parents can.

## **7440.01 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

In order to protect Board property, promote security and protect the health, welfare and safety of students, staff and visitors, the Governing Board authorizes the use of video surveillance and electronic monitoring equipment on school property, and in school buildings and school buses. Information obtained through video surveillance/electronic monitoring may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings).

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the Center to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the Center. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a non-discriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms), or in individual classrooms during instructional times. Security staff and administrators are authorized to carry and use portable video cameras when responding to incidents. The Board authorizes security personnel to use body-worn video cameras while on duty, but prohibits them from being operated while the individual is routinely patrolling restrooms and locker rooms, unless the staff member is responding to a specific incident.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via

school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School Center's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

Recordings of students will be treated as confidential. Consequently, because the Board is bound by Ohio's Student Records Statute and the Family Educational Rights and Privacy Act (FERPA), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recordings). Otherwise, such confidential recordings shall only be released through subpoena or court order.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

### **7540.03 - STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Governing Board provides Technology Resources (as defined in Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, Educational Service Center Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The Center's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of Center Technology Resources by principles consistent with applicable local, State, and Federal laws, the Center's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of Center's Technology Resources and students' personal communication devices when they are connected to the Center computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or at a Board-sponsored activity (see Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Center Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Center's computer network and/or Internet connection).

First, the Board may not be able to technologically limit access, through its Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using Center Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent or Technology Coordinator may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications

- B. the dangers inherent with the online disclosure of personally identifiable information
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students online, and
- D. unauthorized disclosure, use, and dissemination of personally- identifiable information regarding minors

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building Principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of Center Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of Center Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students will be assigned a school e-mail account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the Center with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using Center Technology Resources – i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Students may only use Center Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Center Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and his/her designees as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of Center Technology Resources.

## **7540.06 - EDUCATIONAL SERVICE CENTER-ISSUED STUDENT E-MAIL ACCOUNT**

Students assigned a school e-mail account are required to utilize it for all school-related electronic communications, including those to staff members and individuals and/or organizations outside the Educational Service Center with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the Center's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Center's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher or the Technology Coordinator.

Students may join list serves or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list serves or other e-mail services do not become excessive. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her classroom teacher, the Building Principal or the Center's Technology Coordinator.

### **Unauthorized E-mail**

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

### **Authorized Use and Training**

Pursuant to Policy 7540.03, students using the Center's e-mail system shall acknowledge their review of, and intent to comply with, the Center's policy on acceptable use and safety.

## **7541 - ELECTRONIC MEDIA, COMPUTER NETWORK, AND INTERNET STUDENT ACCEPTABLE USE**

The Board recognizes that telecommunications and other technologies shift the ways that information may be accessed, communicated, and transferred by member of the society. These changes may also alter the methods of instruction and student learning. The District generally supports access by students to rich information resources along with the development by staff of appropriate skills to analyze and evaluate such resources. In a free and democratic society, access to information is a fundamental right of citizenship.

In order for the Board to be able to continue to make its information resources available, all users must take responsibility for appropriate and lawful use of this access. Users must understand that one (1) person's misuse of the network and Internet access may jeopardize the ability of all users to enjoy such access. While school staff will make reasonable efforts to supervise use of network and Internet access, it is impossible to supervise at all times. The Board has taken available precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials, and users may discover controversial information. The District firmly believes that the valuable information and interaction available using technology far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Students are responsible for good behavior on school computer networks just as they are in a classroom or school hallway. The network and telecommunication equipment is provided for students to conduct research and communicate with others. General school rules for behavior and communications apply to the use of technology. Access to various network services will be provided to students who agree to use it in a considerate and responsible manner.

Listed below are provisions regarding appropriate and responsible use of the computer network and the use of the Internet. If you have any questions about these provisions, you should contact the person that your school has designated as the one to whom you can direct your questions. If any user violates this policy, the user's access may be denied or withdrawn, and s/he may be subject to additional disciplinary action.

### **Terms and Privileges of Use**

The Board believes that the benefits to students from access to the Internet and Network resources, in the form of information resources and opportunities for collaboration exceed any disadvantages. But ultimately, parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using media and information sources. To that end, the Board supports and respects each family's right to decide whether or not to allow their son or daughter access to networked information. Access to the various networks is granted to all students. Should a parent or guardian wish to have their son or daughter denied access they should contact the building principal or the district technology coordinator.

### **Personal Responsibility**

By agreeing to follow the rules in this policy, students are accepting responsibility for their use of networked resources and are agreeing to report any misuse of the network to the person designated by the school for such reporting. Misuse means any violations of this policy, or any other use that is not included in the policy, but has the effect of harming another or his/her property.

### **Privacy**

Network and Internet access is provided as a tool for your education. In order to maintain system integrity, the School District reserves the right to monitor, inspect, copy, review, and store at any time, and without prior notice, any and all usage of the computer network and Internet access, and any and all information transmitted or received in connection with such usage. All such information shall be and remain the property of the School District and no user shall have any expectation of privacy regarding such materials.

## Unacceptable Use

The smooth operation of any network relies upon the proper conduct of the end-users, who must adhere to strict guidelines. In general, user responsibilities require efficient, ethical, and legal utilization of the network resources. The use of network resources must be in support of the educational goals of the Board. Uses deemed inappropriate include but are not limited to the following:

- A. sending or displaying offensive messages or pictures
- B. using obscene language
- C. harassing, insulting, or attacking others
- D. violating copyrighted laws
- E. damaging electronic devices, or computer networks
- F. disrupting the intended use of electronic resources
- G. using others' accounts
- H. unauthorized access to network resources
- I. intentionally wasting limited resources
- J. using electronic resources for commercial purposes
  - 1. students shall not tie up the network with idle activities
  - 2. students shall not play games on school owned computers
  - 3. students shall not store information, pictures, sounds or movies on school owned computers that does not support the educational goals of the Center
- K. vandalism – includes but is not limited to:
  - 1. the uploading, downloading or creation of computer viruses
  - 2. any attempt to harm or destroy District equipment or materials
  - 3. any unauthorized change of settings on electronic equipment
- L. revealing personal information about anyone without written permission
- M. uses that violate the law or encourage others to violate the law

## Failure to Follow

Use of any school owned electronic media is a privilege, not a right. Any user who violates this policy may have one (1) or more of the following sanctions imposed:

- A. loss of access to network resources;
- B. vandalism may result in the District seeking financial restitution;
- C. when applicable, law enforcement agencies may be involved.

The School District may take other disciplinary action if deemed necessary.

## Liabilities

The Board makes no warranties of any kind, either expressed or implied, in connection with its provision of access to, and use of, its computer networks and the Internet provided under this policy and agreement. It shall not be responsible for any claims, losses, damages, or costs (including attorney's fees) of any kind suffered, directly or indirectly, by any user or his/her parent(s) or guardian(s) arising out of the user's use of its computer networks or the Internet under this policy. By signing this policy and agreement, users are taking full responsibility for their use. The parent(s) or guardian(s) are agreeing to hold harmless the school, the School District, and all of their administrators, teachers, and staff from any and all loss, costs, claims or damages resulting from the user's access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user. The user and user's parent(s) or guardian(s) agree to cooperate with the school in the event of the school's initiating an investigation of a user's use of his/her access to the computer network and the Internet, whether that use is on a school computer or on another's outside the School District's network

## **8310 - PUBLIC RECORDS**

The Governing Board is responsible for maintaining the public records of this Educational Service Center and to make such records available to residents of Ohio for inspection and reproduction in strict adherence to the State's Public Records Act.

The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43. No public records, including, but not limited to personnel records, personnel files, or staff directories or student records shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the student's, parent's or employee's address.

The Center's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The Center's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the Center to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the Center to identify, retrieve, and review the record(s). If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for inspection or copies of public records such that the Center's Record Officer cannot reasonably identify what public records are being requested, the Center Record Officer or designee may deny the request but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Center and accessed in the ordinary course of business. The request for records need not be in writing. The requestor shall not be required to provide his/her identity or the intended use of the requested public record(s).

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or acknowledged by the Center promptly following the receipt of the request. If the request for records was in writing, the acknowledgement by the Center shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgement shall include the following:

- A. an estimated number of business days necessary to satisfy the request
- B. an estimated cost if copies are requested

C. any items within the request that may be exempt from disclosure

The Superintendent is authorized to grant or refuse access to the records of this Center in accordance with the law. Any denial, in whole or in part, of a public records request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the request for records was in writing, the explanation shall also be in writing.

A person may obtain copies of the Center's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the Center keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who requests a copy of a public record may also choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and the mailing supplies.

Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is for the first twenty-five (25) pages the fee will be twenty-five cents (\$.25) per page. Pages twenty-six (26) – seventy-five (75) the fee will be twelve cents (\$.12) per page. Pages seventy-six (76) – up the fee will be six cents (\$.06) per page.

The charge for download computer files to a compact disk is \$1.00 per disc.

There is no charge for documents e-mailed.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Center (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the Center are responsible for retaining e-mails that meet the definition for public records and copying them to their Center e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the Center. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the Center's organization, functions, policies, decisions, procedures, operations or other activities are not public records. Although private records do not fall under Policy 8310 or AG 8310A, they may fall under Policy 8315 – "Information Management" and/or AG 8315 – "Litigation Hold Procedure".

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of this Center, except student records and certain confidential portions of personnel records.

A School Center Records Commission shall be established consisting of the Board President, Treasurer, and Superintendent of Schools in accordance with law to judge the advisability of destroying Center records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. Administrative guidelines shall be developed to provide guidance to Center employees in responding to public records requests. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

### **8330 - STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Governing Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and 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 Educational Service Center reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended Center programs. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the Educational Service Center or specifically permitted by this Board will be compiled by Board employees.

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

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers)

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Center" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school center in which a student of this Center is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and
  - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;
- C. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is

enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;

- D. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- E. report a crime committed by a child to appropriate authorities, with respect to reporting a crime committed by a student with a disability, and to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- F. release de-identified records and information in accordance with Federal regulations;
- G. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Center for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Center will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- H. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception.

The Center will verify that the authorized representative complies with FERPA regulations.

- I. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record,

their legitimate interest in the information, information disclosed, date of disclosure, and date parent/eligible student consent was obtained (if required).

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 an eligible student, without the written consent of the student, except to those persons or parties stipulated by the Board's policy and administrative guidelines and/or those specified in the law.

## **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the Center's 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; major field of study; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; or awards received.

School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider.

Directory information shall not be provided to any organization for profit-making purposes.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. 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.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education 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.

The Board may disclose "directory information," on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

## **INSPECTION OF INFORMATION COLLECTION INSTRUMENT**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least five (5) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within three (3) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products
- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

The Superintendent is directed to prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy 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 Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

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

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Governing Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Governing Board.

### **SAFE AT HOME/ADDRESS CONFIDENTIALITY PROGRAM**

If a parent (or adult student), presents information to the Center certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Secretary of State, the Board shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records and files) or disclosing the student's actual/confidential residential address when releasing student records. Since student records are available to non-custodial parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations as permitted by law (including the public in some situations), the Board shall only list the address designated by the Secretary of State to serve as the student's address in any student records or files, including electronic records and files. Further, the Board shall use the student's designated address for any and all communications and correspondence between the Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose.

Although the student's actual/confidential address will not be available for release as directory information, the parent (or adult student) may also request that the student's name and telephone number be withheld from any release of directory information. Additionally, if applicable, the student's parent's school, institution of higher education, business, or place of employment (as specified on an application to be a program participant or on a notice of change of name or address) shall be maintained in a confidential manner.

If a non-custodial parent presents a subpoena or court order stating that s/he should be provided with copies or access to a student's records, the Center will redact the student's confidential address and telephone number from the student's records before complying with the order or subpoena. The Center will also notify the custodial/residential parent of the release of student records in accordance with the order or subpoena.

The intentional disclosure of student's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

### **8400 - SCHOOL SAFETY**

The Governing Board is committed to maintaining a safe and drug-free environment in all of the Educational Service Center's schools. The Board believes that school crime and violence are multifaceted problems that

need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of School Center personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

### **Emergency Management Plan ("EMP")**

To that end, the Superintendent shall develop and adopt a comprehensive Emergency Management Plan ("EMP") for each building under his/her control. In developing the EMP for each building, the Superintendent shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees assigned to the building.

In developing the EMP, the Superintendent shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety. The Superintendent shall further propose operating changes to promote the prevention of potentially dangerous problems and circumstances. The Superintendent shall incorporate remediation strategies into the EMP for any building where documented safety problems have occurred.

Each EMP will include:

- A. protocols for addressing serious threats and emergency events that affect the safety of school property, students, employees, or administrators;

These protocols will include appropriate procedures for responding to these threats and emergencies, such as notifying law enforcement, contacting specified emergency response personnel, and alerting parents of affected students.

- B. a floor plan unique to each floor of the building;
- C. a site plan that includes all building property and surrounding property; and
- D. an emergency contact information sheet.

The Superintendent shall prepare and conduct at least one (1) annual emergency management test, in accordance with rules adopted by the Ohio Department of Education (ODE). By July 1st of every year, the Superintendent shall review the EMPs s/he previously developed and adopted, and certify in writing to the ODE that the EMPs are current and accurate.

The Superintendent shall submit an electronic copy of each EMP s/he developed and adopted to the ODE not less than once every three (3) years, whenever a major modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. No later than the date prescribed by ODE, the Superintendent shall also file a copy of the current, updated EMP with the following:

- A. each law enforcement agency that has jurisdiction over the school building
- B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the building is located

The Superintendent will also file copies of an updated EMP with ODE and the above agencies within ten (10) days after s/he adopts the revised EMP. The EMP is not a public record.

The Superintendent shall grant access to each school building under his/her control to law enforcement personnel and any local fire department, emergency medical service organization, and/or county emergency management agency that has requested a copy of the EMP, to enable such personnel and entities to conduct training sessions for responding to threats and emergency events affecting the school building. Such access shall be provided outside of student instructional hours and the Superintendent or designee shall be present in the building during the training sessions.

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety.

### **Safe and Drug Free Schools**

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free.

### **8420 - EMERGENCY SITUATIONS AT SCHOOLS**

The Governing Board is committed to providing a safe learning and work environment. Unfortunately, natural and man-made disasters do occur. Such emergencies are best met by preparedness and planning.

The Board directs that a system of emergency preparedness be developed that addresses the following goals and/or objectives:

- A. the health and safety of students and staff are safeguarded
- B. the time necessary for instructional purposes is not unduly diverted
- C. minimum disruption to the educational program occurs
- D. students are helped to learn self-reliance and trained to respond sensibly to emergency situations

All threats to the safety of Educational Service Center facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

The Board also directs that fire, tornado, and school safety drills be conducted during the school year in accordance with State law.

Fire drills or rapid dismissals shall be conducted six (6) times a school year at the times and frequency prescribed by the State Fire Marshal with the first fire drill being conducted within ten (10) days of the beginning of classes. However, no fire drills are required to be conducted in any month that a school safety drill is conducted. Tornado drills shall be conducted on a regular basis during the tornado season in the spring. Times and frequencies of drills must be varied.

School safety drills shall be conducted at least three (3) times during each school year. During the school safety drills, students must be instructed in the appropriate procedures to follow in situations where students must be secured in their building or rapidly evacuated in response to:

- A. a threat to the school involving terrorism;

- B. a person in possession of a deadly weapon or dangerous ordnance on school property; and
- C. other acts of violence.

At least one (1) safety drill shall include a scenario where pupils must be secured in the school building rather than rapidly evacuated.

School safety drills (including drills and theoretical drills) shall be conducted in conjunction with the Center's emergency management plan.

The Principal must conduct at least one (1) drill or rapid dismissal or one (1) school safety drill during each month of the school year. A drill or rapid dismissal may be conducted during the same month as a school safety drill. All building occupants must participate in the drill.

Additionally, the Principal shall conduct a theoretical school safety drill at least once during the school year to provide instruction to school faculty and staff regarding procedures to be followed in such situations. The theoretical drill does not need to include student participation and may be conducted at the required annual employee school safety drill training session.

Each safety drill shall be conducted in conjunction with law enforcement officials.

Prior to conducting the annual school safety drills, each Principal shall:

- A. provide advance written notice of each school safety drill (actual and theoretical) to the municipal or township police chief or other chief law enforcement officer (or in the absence of such officer, the county sheriff);

Such notice shall be provided no later than seventy-two (72) hours prior to the date the drill will be held, be sent by mail, facsimile, or electronic submission, and include the address of the school and the date and time the drill will be conducted.

- B. provide follow-up written certification of the date and time the drill was conducted during the previous school year as well as the date and time each drill will be conducted during the current school year to the municipal or township police chief or other chief law enforcement officer (or in the absence of such officer, the county sheriff);

The certification must be submitted by mail facsimile or electronically by December 5th each calendar year.

- C. hold annual training sessions for school employees regarding the procedures to follow during school safety drills.

Each Principal shall keep a written record of the date and time of each drill conducted.

Procedures shall be developed for the handling of all emergency evacuations

#### **8453.01 - CONTROL OF BLOOD-BORNE PATHOGENS**

The Board seeks to protect those staff members who may be exposed to blood-borne pathogens and other potentially-infectious materials in their performance of assigned duties.

The Superintendent shall implement administrative guidelines which will:

- A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;
- C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;
- D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;
- E. provide for record-keeping of all of the above which complies with both Federal and State laws;
- F. develop an exposure control plan.

### **9130 - PUBLIC COMPLAINTS**

Any person or group having a legitimate interest in the operations of this Educational Service Center shall have the right to present a request, suggestion, or complaint concerning Center personnel, the program, or the operations of the Center. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the Center by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Any requests, suggestions or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

#### **Matters Regarding a Professional Staff Member**

##### **A. First Level**

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority and Center administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by Center administrators prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the immediate supervisor.

##### **B. Second Level**

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

### C. Third Level

If a satisfactory solution is not achieved by discussion with the supervisor, a written request for a conference shall be submitted to the assistant or deputy superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the assistant or deputy superintendent, the Superintendent shall be advised of the resolution.

### D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the assistant or deputy superintendent's authority and requires the Superintendent's decision or action, the complainant shall request, in writing, a meeting with the Superintendent.

### E. Fifth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a meeting by the Board.

The Board, after reviewing all material relating to the case, may grant a meeting before the Board or a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision, no more than ten (10) business days following the meeting. The Board's decision will be final on the matter and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

## **Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the Center's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

## **Matters Regarding the Superintendent or Treasurer**

Should the matter be a concern regarding the Superintendent or Treasurer which cannot be resolved through discussion with the Superintendent or Treasurer, the complainant may submit a written request to the Board President for a conference with the Board. This request shall include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- C. the reason that the matter was not able to be resolved with the Superintendent or Treasurer;
- D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by State law, to an executive session.

The complainant shall be advised, in writing, of the Board's decision within thirty (30) business days.

### **Matters Regarding a Classified Staff Member**

In the case of a classified staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member."

### **Matters Regarding Center Services or Operations**

If the request, suggestion, or complaint relates to a matter of Center procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

### **Matters Regarding the Educational Program**

If the request, suggestion, or complaint relates to a matter of Center program, it should be addressed, initially, to the appropriate building administrator or coordinator and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

### **Matters Regarding Instructional Materials**

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the Center, the complainant should contact the Superintendent who shall provide the complainant with the proper procedure to follow.

No challenged material may be removed from a program or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

## **9150 - CENTER VISITORS**

The Governing Board welcomes and encourages visits to Center programs by parents, other adult residents of the Service District, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons, it is necessary to invoke visitor controls.

The Superintendent or program director has the authority to prohibit the entry of any person to a program of this Center or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the program. If such an individual refuses to leave the school grounds or creates a disturbance, the program director is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual. Except as set forth in Center policy or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

The Superintendent shall promulgate such administrative guidelines as are necessary for the protection of students and staff from disruption to the educational program or the efficient conduct of their assigned tasks. Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances.

The Board member shall be visiting as an interested individual in a similar capacity to any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

## **IEC Code of Conduct- Disciplinary Guidelines**

### **Introduction:**

To maintain a healthy educational environment, it is necessary to develop and maintain rules and regulations to foster positive behavior and activities.

- The classroom rules will be posted in each classroom and will be reviewed with students routinely.
- Parents/Guardians are requested to review the classroom/school rules, as well as the school district student handbook/code, and reinforce the importance of these expectations with their child.

This program's purpose is to provide each student with the optimum opportunity to acquire academic skills, while learning social and behavioral skills needed to be successful in more typical educational and vocational settings. Behavior, which is injurious to others and/or is a hindrance to learning activities, will be addressed by the IEP team.

### **Responsibility for Discipline:**

- Student
  - The student is responsible for conducting himself/herself in such a way as to permit a good learning environment for all.
  - The student is responsible for his/her own actions.
- Parent/Guardian
  - The parent/guardians are partners with the school in the learning process.
  - The parent/guardians may contact and meet with teachers when concerns, questions, or suggestions arise.
- Teacher
  - It is the responsibility of the teacher to establish classroom rules of behavior, which are consistent with a good learning environment.
  - The rules are to be simple and clear, reasonable and enforceable.
  - The teacher will keep the parents and supervisor or head teacher informed when a student is violating the rules of the classroom and the school.
  - When appropriate, the teacher will initiate the IEP review to discuss academic and behavior interventions.
  - When appropriate, the teacher will contact the principal or head teacher to initiate a call to a probation officer or police when measures warrant such contact.
- Principal (or Head Teacher)
  - The Principal (or Head Teacher in conference with the Principal) are responsible for discipline issues, which cannot be reasonably handled by the classroom teacher.
  - When the student is referred to the Principal or Head Teacher, he/she will confer with the teacher, student, and appropriate IEC or district staff as needed. If disciplinary action is warranted, the Principal (or head teacher in conference with the principal) will notify the parents/guardians of the disciplinary action taken.

### **IEC Rules and Regulations**

IEC rules apply to all areas of the school environment; classroom, cafeteria, gym, halls, restrooms, school grounds, bus, restrooms, and any event where the school is being represented.

IEC Rules are:

- Listen and follow directions
- Work in the assigned area
- Be on task and ready to work
- Show respect for self and others through language and courtesy
- Keep hands and feet to yourself

## **Notice of Search and Seizure**

Lockers, desks, and storage areas provided for student use are the property of the Educational Service Center and may be subject to random search at any time without regard to whether there is reasonable suspicion that any locker, desk, or storage area and contents contain evidence of a violation of criminal statute or school rule.

## **Teaching and Reinforcing New Behaviors**

The Level and Point System is designed as a practice and documentation tool. It is set up to identify behaviors crucial to success in any environment. The criteria identified encourage acquiring and using pro-social behavior. The point sheets provide students with daily feedback and allows them to begin to self-monitor their behavior. The program is success oriented, where students start with successes at a basic level and build more advanced behavioral successes. The program is built on positive reinforcement, praising the positive steps students are taking at their own pace.

## **Consequences for Behavior**

Students are taught, coached, and reminded of the behaviors expected, and they are responsible for their behaviors and actions.

If students do not follow classroom rules, an appropriate consequence will be administered. All students attending the IEC are placed on a behavioral level/point system. The level point sheet will provide parents the daily report of their child's progress.

Interventions used will follow a logical sequence

- Students receive a warning for inappropriate behavior and consequences depending on the severity of the behavior.
- If the student continues with the behavior, consequences may include:
  - Time out from activity in classroom
  - Loss of privilege
  - Loss of points for day
- Further disruption may include the following consequences:
  - Loss of opportunity to participate in a special activity
  - Time out from activity - out of classroom
  - Phone call to parents to discuss behavioral concern
  - Referral to principal or head teacher
  - Partial or proportional level drop
- Persistent Violations of school rules or requests for disciplinary action may include:
  - Suspension
  - Notification of violation to probation officer or diversion officer
  - Emergency removal from school
  - Notification to local law enforcement

**Emergency Removal from School:** An emergency removal is an immediate withdrawal of a student from school without prior notice or hearing. The Principal or a designee (usually the head teacher) may remove the student in an emergency on the following basis:

- The student conduct is severely disruptive of the academic process.
- As a last resort after regular discipline procedures have failed.
- Student safety is compromised, or compromising the safety of others.

Parents will be notified immediately of an impending emergency removal.

**The IEC makes every effort to work with students, families, counselors, doctors, case workers, probation officers, local law enforcement, etc. to help students stay in school. Emergency Removals and Suspensions are used as a last resort when behavior clearly has caused a health and safety concern for the student or others.**

In all disciplinary violations, which may result in suspension or emergency removal, the principal or designee will contact the student's school of residence/home school. The district's policies and procedures will apply.

In the event of an emergency, or a crisis situation, physical restraint may be used to maintain the health and safety of the student in crisis and others as a last resort.

All IEC staff are trained in Crisis Prevention Intervention and Non-Violent Physical Crisis Intervention approaches. Additionally, the IEC follows the guidelines and regulations regarding seclusion and restraint as published by the US Department of Education, Ohio Department of Education and the Council for Exceptional Children.

# Independence Education Center Behavior Level System

## Level 1

75 out of 100 points – Maintain for 10 days

### **Responsibilities:**

1. Follow all classroom rules.
2. Must be accompanied by a staff member at all times.
3. Must participate in all group meetings.
4. Will be required to eat lunch in the classroom.
5. Must have permission to leave area.
6. Must have NO marks in the area of Hands and Feet.

### **Privileges**

1. May attend earned special activities on Friday.
2. Free time, by self, at desk.

## Level 2

80 out of 100 points – Maintain for 20 days

### **Responsibilities**

1. All of those listed on Level 1.

### **Privileges**

1. All of those listed on Level 1
2. May have free time by themselves in a special area.
3. May eat lunch in cafeteria or designated area (15 minutes).
4. May be considered to work in the Jobs Program.

## Level 3

85 out of 100 points – Maintain for 30 days

### **Responsibilities**

1. All of those listed on Levels 1 and 2.
2. Earn ALL points in Hands and Feet and Stay in Area.

### **Privileges**

1. All of those listed on Levels 1 and 2.
2. May do one assignment daily outside of area with permission.
3. May have free time with another student who is also on Level 3 or above.
4. May have a special privilege as contracted by the teacher.
5. Can be considered for mainstreaming classes.

## Level 4

90 out of 100 points – Maintain for 40 days.

### **Responsibilities**

1. All of those listed on Levels 1, 2 and 3.
2. Earn ALL points in Hands and Feet, Stay in Area and Appropriate Language and Courtesy.
3. Must be responsible as to complete homework assignments.

## **Privileges**

1. All of those listed on Levels 1, 2 and 3.
2. May have free time anywhere in the room with permission.
3. May do assignments anywhere in the room with permission.
4. May go to the restroom and run errands unescorted with permission.
5. May leave seat without permission to sharpen pencil, get a tissue or turn in work.

## **Level 5**

95 out of 100 points – Maintain for 50 days.

## **Responsibilities**

1. All of those listed on Levels 1, 2, 3 and 4.
2. Earn ALL points in Hands and Feet, Stay in Area, Appropriate Language and Courtesy and in Following Directions.
3. Must earn weekly individual goal.

## **Privileges**

1. All of those listed on Levels 1, 2, 3 and 4.
2. Special activity, game time in area designated by staff.

## **Off-Trust**

75 out of 100 points – Maintain for 3 days.

## **Responsibilities**

1. Must remain in designated area for “Off-Trust.”
2. Three bathroom breaks per day (1 in the a.m., 1 at lunch, 1 in the p.m.).
3. If a lunch is needed, the student must order first thing in the morning.
4. Only writing utensils, paper, and a book to read silently allowed in area.
5. No outside activities or privileges.
6. Earn an “early out” with 2 consecutive days of 90% or above.

## **Lunchtime Guidelines**

1. Students must be on level 2 or higher to eat lunch in the cafeteria.
2. Students may not share or trade food.
3. No feet on benches/tables.
4. Students must sit with their class at all times.
5. Level 1 and below students will eat lunch in the classroom. No talking, use of computer, or listening to CD players/Ipods/mp3 players/etc. during this time.

\*\*Removal from the cafeteria will be at the staff’s discretion.

## Point Sheet Categories

### **Listen & Follow Directions**

- D1- Appropriate dress (Won't change)
- D2 – Completing homework
  
- D3 – Raising hand to speak/talk out  
C13 – Verbal assault to peer (1st\* / 2nd\*\* +
- D4 – Follow Directions
- D5 – Inappropriate object(Electronic/Tobacco/Other  
1st\* / 2nd \*\* /3rd \*\*\* (Must be documented in the office)
- D6 – Inappropriate Dress
- D7 – Bus write up (1<sup>st</sup> \* / 2<sup>nd</sup> \*\* / 3<sup>rd</sup> \*\*\*)
- D8 – Bus Safety (1<sup>st</sup> \*\* / 2<sup>nd</sup> \*\*\*)
- D9 – Buying/Selling/Trading \*
- D10 – Use of Alcohol/Tobacco/Vape or look a like product (1st \*\*\*\*)

### **Area**

- A1 – In/Out Area (In Classroom)
- A2 – Leaving or refusing to leave room/building w/o perm. \*\*
- A3 – In an area of the school without permission \*\*
- A4 - Throwing objects
- A5 – Clean area
- A6 – Touching Objects
- A7 – Stealing \*\*\*

### **On Task**

- T1 – On/off task
- T2 – Bring supplies
- T3 – Sleeping
- T4 – Cheating \*\*\*

### **Language & Courtesy**

- C1 – Manners / Noises
- C2 – Voice tone / Volume
- C3 – Language

- C4 – Gestures (1<sup>st</sup> \*2<sup>nd</sup> \*\*+C15)
- C5 – Stretching/twisting/hiding the truth\*
- C6 – Lying\*\*
- C7 – Personal hygiene
- C8 – Ignoring / Minding own business
- C9 – Inappropriate conversation
- C10 – Respect for others or their property (2<sup>nd</sup> \* / 3<sup>rd</sup> C15)
- C11 – Racial Comments\*\*\*+ C15 (If applicable)
- C12 – Physical threat to self\*/peer\*\*+ C15 (If applicable)
- C13 – Verbal assault to peer (1st\* / 2nd\*\* + C15)
- C14 –Inappropriate Verbal Exchange /Communication with TO /Transition\*
- C15 – Bullying (1st\*\*/ 2<sup>nd</sup> \*\*\*)
- C16 – Sexual Comment / Reference \*
- C17 – Sexual harassment (1<sup>st</sup>\*\*, 2<sup>nd</sup>\*\*\*)
- C18 – Attempt to intimidate peer (1st\* / 2nd\*\* + C15)
- C19 – Attempt to manipulate peer (1st\* / 2nd\*\* + C15)
- C20 – Arguing
- C21 – Calling staff a name / Verbal assault of staff \*\*\*
- C22 – Physically threatening staff \*\*\*
- C23 – Attempt to intimidate staff (1<sup>st</sup> \*\* / 2<sup>nd</sup> \*\*\*)
- C24 – Attempt to manipulate staff \*
- C25 – Physical assault to staff \*\*\*\*\*)

### **Hands & Feet**

- H1 – Physical assault (staff - K-6 \*\*\*\*\*) / 7 – 12 \*\*\*\*\*) /peer\*\*\* + C15)
- H2 – Breaking things / Destruction of property \*\*
- H3 – Violent Physical Outburst\*\*
- H4 – Inappropriate contact
- H5 – Self Injury \* or \*\*
- H6 – Removing dressing from injury / Unsanitary Act\*

**\*Lost Level Day - Not enough points -Mark in specific box for level Drop – According to CR plan** - **\*\*Partial/Proportional Level Drop**  
**\*\*\*Proportional Level Drop (Down a level &/or % of day[s])** - **\*\*\*\*Full Level Drop - Lose 5 Days in a row** - **\*\*\*\*\*Level Drop according to CR plan**

## Notice of Parent Right to Know regarding Staff Qualifications

Dear Parent/Guardian:

You have the right to know about the teaching qualifications of your child's classroom teacher in a school receiving Title I funds. The federal No Child Left Behind (NCLB) Act requires that any local school district receiving Title I funds must notify parents that they may ask about the professional qualifications of their child's classroom teacher.

These qualifications include:

1. Whether the teacher has met the Ohio teacher licensing criteria for the grade level and subject areas in which the teacher provides your child instruction.
2. Whether the teacher is teaching under emergency or temporary status that waives state licensing requirements.
3. The undergraduate degree major of the teacher and any other graduate degree or certification (such as National Board Certification) held by the teacher and the field of discipline of certification or degree.
4. Whether your child is provided services by instructional paraprofessionals and, if so, their qualifications.

You may ask for the information by returning this letter to the address listed herein. Or you may fax your request to 567-444-4802, attention Superintendent. Additionally, you may e-mail your request to [superintendent@nwoesc.org](mailto:superintendent@nwoesc.org). Be sure to include the following information with your request:

Child's Full Name \_\_\_\_\_

Child's Grade \_\_\_\_\_

Parent/guardian full name \_\_\_\_\_

Address \_\_\_\_\_

City, state, ZIP \_\_\_\_\_

Classroom Location \_\_\_\_\_

Classroom Teacher's name \_\_\_\_\_

Requested Information \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sincerely,

*Kerri Gearhart*

Kerri Gearhart  
NwOESC Superintendent

**Northwest Ohio Educational Service Center  
Independence Education Center**

Student/Parent Handbook Signature Page  
2018-19

I have received a copy of the Independence Education Center Parent-Student Handbook which includes the following:

1. Transportation
2. Weather guidelines
3. Lunch Program
4. Parent-Teacher Conferences & Communications
5. Student Privacy and Parental Access to Information
6. Attendance
7. Late Arrival and Early Dismissal
8. Health Services
9. Use of Medication
10. Dress and Grooming
11. Student Conduct
12. Anti-Harassment
13. Electronic Equipment
14. Use of Tobacco
15. Care of School Property
16. Drug Prevention
17. Suspension From Special Education Program
18. Bullying and Other Forms of Aggressive Behavior
19. Positive Behavior Intervention and Supports
20. Waiver of School Fees for Instructional Purposes
21. Electronic Media, Computer Network, and Internet Student Acceptable Use
22. Video Surveillance and Electronic Monitoring
23. Student Network and Internet Acceptable Use and Safety
24. Education Service Center Issued Student E-Mail Account
25. Public Records
26. School Safety
27. Emergency Situations at School
28. Student Records
29. Control of Bloodborne Pathogens
30. Public Complaints
31. Center Visitors
32. Parent Right to Know Regarding Staff Qualifications

My signature indicates that I have received and read all of the information contained in the Independence Education Center's Parent-Student Handbook. I understand the rights and responsibilities pertaining to students and agree to support and abide by the rules, guidelines, procedures and policies of the NwOESC.

I also acknowledge that I may be called to pick up my child in the event that these policies are not adhered to by my child.

Parent's Name(s) (please print): \_\_\_\_\_

Parent's signature(s): \_\_\_\_\_ Date: \_\_\_\_\_