

Book Policy Manual

Section Vol. 44, No. 1 - August 2025 CO

Title Vol. 44, No. 1 - August 2025 Policy Disposition Sheet

Code 02 - Disposition Sheet

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**DISPOSITION OF NEW/REVISED/REPLACEMENT
POLICIES FOR BOARD ADOPTION**

VOL. 44, NO. 1 - AUGUST 2025

Coding for District-Specific Edits

*1 = drafted by District staff

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(No code is needed for accepting Neola's vetted material)

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Code	po2266
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Revised Policy - Vol. 44, No. 1

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

Introduction

The Governing Board of the **Mid-Ohio** Educational Service Center (hereinafter referred to as "the Board" or "the Center") does not discriminate on the basis of sex ~~(including sexual orientation or gender identity)~~ in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. ~~[DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term "admission."]~~ The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

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

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

Coverage

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

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

and/or Federal laws, (X) and/or Employee/Administrator Handbook(s) ~~[END-OF-OPTION]~~ if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Center's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws, (X) and/or Employee/Administrator Handbook(s) ~~[END-OF-OPTION]~~ if committed by a Board employee.

Definitions

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the Center on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the Center's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. **Criminal Sexual Contact (f.k.a. Fondling)** is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. ~~Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.~~
5. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is nonforcible sexual intercourse with a person who is under the statutory age of consent as defined by State law.

7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent. ~~[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic; the investigator(s) and decisionmaker(s) will then uniformly apply the adopted definition.]~~

8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. ~~[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]~~

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

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

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

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

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

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

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

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

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

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

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

Third Parties: "Third Parties" include, but are not limited to, guests and/or visitors on 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 Center community at school-related events/activities (whether on or off Center property).

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

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

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

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

Title IX Coordinator(s)

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

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

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

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

The Board of the Mid-Ohio Educational Service Center does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Center's Title IX Coordinator(s) is/are:

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

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: www.moesc.net ~~[insert the web address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy]~~. The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Center will respond.

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

Grievance Process and Procedures

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

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

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

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail using the Title IX Coordinator's(s') contact information listed above or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours) by using the telephone number(s) or electronic mail address(es) or by mail to the office address(es) listed for the Title IX Coordinator(s). ~~() Anonymous reports may be submitted using () the online reporting form posted at _____ [insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] () the hotline reporting number (_____ [insert phone number]).~~ **END OF OPTION**

Students, Board members, and Board employees are required, and other members of the Center community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. ~~[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or Sexual Harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or Sexual Harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the Center community and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify the/a Title IX Coordinator."]~~ Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

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

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment, if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. ~~[DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of Sexual Harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended — e.g., "*** must immediately/promptly notify the/a Title IX Coordinator of such information or report."]~~ The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

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

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days ~~[DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days".]~~ of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Center to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Center may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Center determines the student Respondent poses such a threat, it will so notify the student Respondent, and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of ~~Students~~ Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights. ~~[DRAFTING NOTE: The Board may substitute "Superintendent" or "Title IX Coordinator" in place of "Center" in the first sentence. Alternatively, the Superintendent could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Ohio, emergency removals may only be imposed in the manner delineated in ORC 3313.66. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Improvement Act and/or Section 504 of the Rehabilitation Act of 1973.]~~

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

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

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information set forth above ~~() and by _____ [END OF OPTION]. [DRAFTING NOTE: The Board may set forth additional method(s) by which a Formal Complaint may be filed (e.g., online portal submission).]~~ If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process and procedures with respect to that Formal Complaint. ~~[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute "Board President" in place of "Superintendent" in the preceding sentence.]~~

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct (X) and the Employee/Administrator Handbook ~~[END OF OPTION]. [DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false Formal Complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]~~

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

Timeline

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

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. ~~[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time—e.g., the complexity and severity of the matter, or school breaks.] ()~~ The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process. ~~[END OF OPTION]~~

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

- A. notice of the Board's grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
 3. inform the parties of any provision in the Student Code of Conduct (☒) , this policy, (☒) and/or Employee/Administrator Handbook ~~[END OF OPTIONS]~~ ~~[DRAFTING NOTE: While the Title IX regulations only reference “code of conduct,” Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]~~ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

~~[DRAFTING NOTE: The Title IX regulations do not define “upon receipt” or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within “two (2) days” of receipt of the Formal Complaint; this suggestion is memorialized in the corresponding Administrative~~

~~Guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be quickly completed with the requisite information after receipt of the Formal Complaint.~~

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

Dismissal of a Formal Complaint

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

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the Center's education program or activity; or
- C. did not occur against a person in the United States.

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

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation ~~[DRAFTING NOTE: Select this option if the Board permits hearings.] () or hearing [END OF OPTION].~~

- A. a Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the Center or employed by the Board; or
- C. specific circumstances prevent the Center from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

Consolidation of Formal Complaints

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

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

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

Informal Resolution Process

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

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

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

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

- A. the allegations;
- B. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

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

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

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

Investigation of a Formal Complaint of Sexual Harassment

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

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

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

The Center is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the

provision of treatment to the party unless the party provides the Center with voluntary, written consent to do so; if a student party is not an Eligible Student, the Center must obtain the voluntary, written consent of a parent.

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice who may be, but is not required to be, an attorney; and

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

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

[END OF OPTIONS]

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

- C. ~~() Board Policy 2461—Recording of Center Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding. **[END OF OPTION]**~~

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

The Center will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all ~~() hearings, **[END OF OPTION]** **[DRAFTING NOTE: Select this option if the Board permits hearings.]**~~ investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. ~~() The investigator(s) and decisionmaker(s) must provide a minimum of _____ () days' notice with respect to investigative interviews and other meetings () and _____ () days' notice with respect to hearings **[END OF OPTION]. **[END OF OPTIONAL SENTENCE]** **[DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice—i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advanced notice for hearings and one (1) day's advanced notice for investigative interviews and other meetings.]****~~

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Center does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the ~~(X) investigator () Title IX Coordinator **[END OF OPTIONS]**~~ will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. ~~**[DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decisionmaker.] () The Center will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination. **[END OF OPTIONAL SENTENCE]****~~

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to ~~[DRAFTING NOTE: Select one (1) of the following two (2) options. The Board should select the second option if it is providing a hearing or permitting the decisionmaker(s) to decide whether to conduct a hearing on a case-by-case basis.]~~ ☒ the decisionmaker(s) issuing a determination regarding responsibility ~~[OR] () a hearing or the decisionmaker(s) issuing a determination regarding responsibility [END OF OPTIONS].~~

Determination of Responsibility

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

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

~~[X] [OPTION 1 — Will not provide hearing]~~

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

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

~~[END OF OPTION 1]~~

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

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

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

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

~~If the decisionmaker(s) decides not to conduct a hearing, the decisionmaker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decisionmaker(s) reaches a determination regarding responsibility, the decisionmaker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.~~

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

~~[END OF OPTION A]~~

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

The hearing will proceed as follows:

[END OF OPTION B]

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

[] [OPTION C — OPTION SUGGESTED BY NEOLA]

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

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

[END OF OPTION C]

[] [OPTION D]

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

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

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

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

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

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

[END OF OPTION D]

[] [OPTION E]

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

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

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

~~{END OF OPTION E}~~

~~Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.~~

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

~~{END OF OPTION 2}~~

~~{END OF OPTIONS}~~

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

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence **~~{DRAFTING NOTE: Remove brackets from "and" if following option not selected. The Board should only select this option if it permits hearings.} ()~~**, and hearings held **~~{END OF OPTION}~~**;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decisionmaker(s) is recommending that the Center impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Center's education program or activity should be provided by the Center to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

- 1. ~~() writing assignments;~~
- 2. ~~() changing of seating or location;~~
- 3. ~~() pre-school, () lunchtime, () after-school {END OF OPTIONS} detention;~~

4. ~~(-) in school discipline;~~

5. ~~(-) Saturday school.~~

B. Formal Discipline

1. ~~suspension of bus riding/transportation privileges;~~

2. ~~removal from co-curricular and/or extra-curricular activity(ies), including athletics;~~

3. ~~emergency removal;~~

4. ~~suspension for up to ten (10) school days;~~

5. ~~expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;~~

6. ~~expulsion for up to one (1) year;~~

7. ~~permanent exclusion; and~~

8. ~~any other sanction authorized by the Student Code of Conduct.~~

If the decisionmaker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decisionmaker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5610.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act ("IDEA") and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

A. ☒ oral or written warning;

B. ☒ written reprimands;

C. ☒ performance improvement plan;

D. ☒ required counseling;

E. ☒ required training or education;

F. ☒ demotion;

G. ☒ suspension with pay;

~~[END OF OPTIONS]~~

H. suspension without pay;

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

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

~~applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to imposition of discipline as result of possible delays caused by the Board's obligation to follow this grievance process and procedures; likewise, the Board may need to discuss with union representatives how implementation of this grievance process and procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).~~

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

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

- A. ☒ oral or written warning;
- B. ☒ suspension or termination/cancellation of the Board's contract with the Third Party vendor or contractor;
- C. ☒ mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;
- D. ☒ restriction/prohibition on the Third Party's ability to be on school property; and

~~{END OF OPTIONS}~~

- E. any combination of the same.

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

The decisionmaker(s) will provide the written determination to the Title IX Coordinator, who will provide the written determination to the parties simultaneously.

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

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

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

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

Appeal

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

~~{DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.}~~

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

E. ~~()~~ _____

[END OF OPTIONS]

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

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

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

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

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

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

[] [OPTION 1]

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

[END OF OPTION 1]

[X] [OPTION 2]

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

[END OF OPTION 2]

[] [OPTION 3]

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

[END OF OPTION 3]

[] [OPTION 4]

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

[END OF OPTION 4]

[END OF OPTIONS]

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

The decisionmaker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decisionmaker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within **five (5)** days of when the parties' written statements were submitted. ~~[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within sixty (60) days of receipt of the Formal Complaint, Neola suggests that the deadline for the decisionmaker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements, or the date a last written statement is submitted pursuant to OPTION 3 or OPTION 4.]~~

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decisionmaker(s) for the appeal's decision are delivered to the Complainant and the Respondent. ☒ No further review beyond the appeal is permitted. ~~[END OF OPTIONAL SENTENCE]~~

Retaliation

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

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

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

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

Confidentiality

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

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

Application of the First Amendment

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

Training

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

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the Center's education program or activity;
- C. how to conduct an investigation and implement the grievance process ~~(-) that includes hearings [END OF OPTION]~~ **[DRAFTING NOTE: Select this option if the Board permits hearings.]**, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

☒ All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment. ~~[END OF OPTIONAL SENTENCE] [DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all of the employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]~~

Recordkeeping

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

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

- A. each Sexual Harassment investigation, including any determination regarding responsibility ~~(-) and any audio or audiovisual recording or transcript that is made of any hearing [END OF OPTION]~~ **[DRAFTING NOTE: Select this option if the Board permits live hearings.]**, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Center's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Center will make its training materials publicly available on its website. ~~(-) If a person is unable to access the Center's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public. [END OF OPTIONAL SENTENCE]~~

Outside Appointments, Dual Appointments, and Delegations

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

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

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

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

Discretion in Application

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

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

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

~~[END OF OPTION]~~

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R.C. 3313.207/208/209, 5104

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

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

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

34 C.F.R. Part 106

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

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

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

42 U.S.C. 1983

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

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

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

OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised PARTICIPATION OF COMMUNITY/STEM SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES
Code	po2430.02
Status	1) Reading and Review

Revised Policy – Vol. 44, No. 1

~~2430.02 PARTICIPATION OF COMMUNITY/STEM SCHOOL STUDENTS IN EXTRACURRICULAR EXTRA-CURRICULAR ACTIVITIES~~

~~A student enrolled in a community school established under R.C. Chapter 3314 or in a science, technology, engineering, and mathematics ("STEM") school established under Chapter 3326 and entitled to attend school in the Educational Service Center ("Center") under R.C. 3313.64 or R.C. 3313.65, shall be provided with the opportunity to participate in any extracurricular activities offered by the Center.~~

~~The eligible community or STEM school student may participate in any extracurricular activities offered by the school building to which the student would otherwise be assigned. In the event the Center operates more than one (1) school building at the student's grade level, the student may participate in those extracurricular activities offered by the school building to which the student would otherwise be assigned by the Superintendent in accordance with R.C. 3319.01.~~

~~[] A student from a community or STEM school who is not entitled to attend school in the Center under R.C. 3313.64 or R.C. 3313.65 may participate in an extracurricular activity offered by the Center, provided that the school in which the student is enrolled does not offer the extracurricular activity, and that the extracurricular activity is not interscholastic athletics or interscholastic contests or competition in music, drama, or forensics. [END OF OPTION]~~

~~[] The Superintendent may grant any home-educated student or any student enrolled in a qualifying school or a different school district, regardless of whether the Superintendent's district is the student's resident district, the opportunity to participate in interscholastic athletics at a school in the Center, if the student was subject to any of the following by a school official, employee, or volunteer, or another student, from the district or school in which the student is enrolled or the district in which the student is participating in interscholastic athletics under R.C. 3313.537, 3313.5311, or 3313.5312: harassment, intimidation, or bullying; a qualifying offense for which the school official, employee, or volunteer, or another student, has been either of the following: charged with, indicted for, convicted of, or pled guilty to committing; alleged to be or is adjudicated a delinquent child for committing; conduct by a school official, employee, or volunteer that violates the licensure code of professional conduct for Ohio educators developed by the State Governing Board. The Superintendent will document the reason(s) for granting participation under this policy. To be eligible, a student who is enrolled in a nonpublic, community, or other public school must be of the appropriate age and grade level, as determined by the Superintendent, and must fulfill the same academic, nonacademic, and financial requirements as any other participant. Home-educated students will be subject to the same rules of participation and the same fees that are applied to any other participant. The Center will not penalize or restrict eligibility to participate in Center interscholastic athletics for students who cease to participate in interscholastic athletics elsewhere during the school year and begin to participate in Center programs after being subject to bullying or any other types of offenses listed in this Policy. [END OF OPTION]~~

Eligibility Requirements

~~In order to participate in any extracurricular activity, an eligible community or STEM school student must be of the appropriate age and grade level, as determined by the Superintendent. The student will also be subject to the same eligibility requirements (i.e., academic and nonacademic eligibility standards and financial requirements) applied to all other participants. No eligible community or STEM school student will be charged any fees in excess of those fees charged to other students for participation in the same extracurricular activity. Further, the Center will not impose any additional rules upon a student participating under this policy if those rules do not apply to other students participating in the same extracurricular activity. No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the Center because the student has or is participating in a College Credit Plus Program, as long as the student fulfills all academic, nonacademic, and financial requirements.~~

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R.C. 3313.537, 3313.5314

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised INTERSCHOLASTIC ATHLETICS
Code	po2431
Status	1) Reading and Review

Revised Policy—Vol. 44, No. 1

2431—INTERSCHOLASTIC ATHLETICS

The Governing Board recognizes the value to the students of the Educational Service Center ("Center") and to the community of a program of interscholastic athletics for students as an integral part of the total school experience.

~~[] The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics. [END OF OPTION]~~

~~[] The game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship. [END OF OPTION]~~

~~[] The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the Center alone. It should also offer an opportunity for career and educational development. [END OF OPTION]~~

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students of this Center with those of another district.

~~[] The Board shall approve annually a program of interscholastic athletics. [END OF OPTION]~~

The Board shall determine the standards of eligibility to be met by all students participating in the interscholastic program. Such standards shall require that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event.

Prior to the start of each athletic season, each school operated by the Center that offers athletic programs shall hold an informational meeting for students, parents, guardians, other individuals having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other individuals who participate in athletic programs regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

No student may practice or compete in interscholastic athletics until the student submits a form signed by the student's parent or guardian, or by a person having care or charge of the student, affirming that each has received a sudden cardiac arrest, concussion, and head injury information sheet as prepared by the Ohio Department of Health and Department of Education and Workforce. See Form 2431-F1 and Form 2431-F2.

In addition to the eligibility requirements established by the Ohio High School Athletic Association, to be eligible for any interscholastic extracurricular activity, a student must have maintained at least a _____ **[ENTER NUMBER]** grade point average and () must not have received a failing grade in any course **[OR]** () may have received a failing grade in a course **[END OF OPTION]** for the grading period previous to the one in which the student wishes to participate.

[DRAFTING NOTE: The Board also may adopt rules that include additional standards for determining the eligibility of students to participate in interscholastic extracurricular activities, requirements for attaining reeligibility in interscholastic extracurricular activities]

Students educated at home or enrolled in a nonpublic school who are permitted to participate on a Center interscholastic team must fulfill the same academic, nonacademic, and financial requirements as any other participant. See Policy 9270.

[] [OPTIONAL LANGUAGE]

The Superintendent may grant any home-educated student or any student enrolled in a qualifying school or a different school district, regardless of whether the Superintendent's district is the student's resident district, the opportunity to participate in interscholastic athletics at a school in the Center, if the student was subject to any of the following by a school official, employee, or volunteer, or another student, from the district or school in which the student is enrolled or the district in which the student is participating in interscholastic athletics under R.C. 3313.537, 3313.5311, or 3313.5312:

- A. harassment, intimidation, or bullying;
- B. a qualifying offense for which the school official, employee, or volunteer, or another student, has been either of the following:
 - 1. charged with, indicted for, convicted of, or pled guilty to committing;
 - 2. alleged to be or is adjudicated a delinquent child for committing;
- C. conduct by a school official, employee, or volunteer that violates the licensure code of professional conduct for Ohio educators developed by the State Board of Education.

The Superintendent will document the reason(s) for granting participation under this policy. To be eligible, a student who is enrolled in a nonpublic, community, or other public school must be of the appropriate age and grade level, as determined by the Superintendent, and must fulfill the same academic, nonacademic, and financial requirements as any other participant. Home-educated students will be subject to the same rules of participation and the same fees that are applied to any other participant. The Center will not penalize or restrict eligibility to participate in Center interscholastic athletics for students who cease to participate in interscholastic athletics elsewhere during the school year and begin to participate in Center programs after being subject to bullying or any other types of offenses listed in this Policy.

{END OF OPTIONAL LANGUAGE}

{ } {OPTIONAL LANGUAGE}

The Superintendent may permit a student enrolled in another school district to participate in ice hockey as an interscholastic athletic activity if the following conditions are met:

- A. The district where the student is enrolled does not offer ice hockey as an interscholastic athletic activity and is located less than twenty (20) miles away;
- B. The Superintendent enters into an agreement with the superintendent of the district where the student is enrolled, approving the student's participation; and
- C. The student is the appropriate age and grade level to participate as determined by the Superintendent, and meets the same academic, nonacademic, and financial requirements as any other participant, including tryouts (if applicable).

The student is not required to reside or enroll in the Center to participate in ice hockey under this provision.

{END OF OPTIONAL LANGUAGE}

{ } An exception may be made by the principal if the student has been participating in an intervention program and has shown satisfactory progress toward achieving the minimum grade point average. {END OF OPTION}

If a student who becomes ineligible under these standards improves their grade point average during the current () semester () grading period **{END OF OPTION}** to meet the eligibility standard, the student may be reinstated () at the beginning of the next () semester () grading period **{END OF OPTION}** () after _____ **{ENTER AMOUNT}** more () semester(s) () grading period(s) **{END OF OPTION}** with an acceptable grade point average () and no failing grades **{END OF OPTIONS}**.

{ } {OPTIONAL LANGUAGE}

Restoration of an "Incomplete" Grade

If a student's failure to meet the academic eligibility requirements is due to an "incomplete" grade given in one (1) or more courses which the student was taking during the grading period in question, the student may have their eligibility restored once the "incomplete" has been changed to a passing letter grade, provided:

- ~~A. the failure to complete the required coursework during the grading period was due to calamity day(s), family tragedy, or illness or accident as verified by a physician; and~~
- ~~B. the "incomplete" was given in accordance with Governing Board grading policies and procedures and is applicable to all students in the school; and~~
- ~~C. the previously scheduled work and/or exams is/are completed within the time period provided in Board policy for completing work required to convert an "incomplete" into a letter grade; and~~
- ~~D. there is no evidence that the "incomplete" was given in order to afford the student extended time in order to provide the student tutoring or other educational services, simply to avoid a failing grade.~~

Specific documentation of criteria listed above (Items A-D) must be submitted to the Ohio High School Athletic Association ("OHSAA") (see AG 2431) in order to be considered by the Executive Director for such a ruling.

[DRAFTING NOTE: This exception only applies where an "incomplete" has been issued and not a letter grade that is subsequently changed as a result of the extended time/additional work. In order to be considered for this exception, specific documentation as listed in OHSAA Bylaw 4-4-1 (See AG 2431) must be provided to the OHSAA. The student may have their eligibility restored by the Executive Director's office once the "incomplete" has been changed to a passing letter grade. If the Center does NOT have a Board Policy on the Restoration of an Incomplete to a Grade or did not have a policy when this exception was requested, the student shall not be able to avail themselves of this exception.]

[END OF OPTIONAL LANGUAGE]

~~[] These same eligibility standards shall apply to all other co-curricular and extracurricular activities sponsored by the Center. (See Policy 2430) [END OF OPTION]~~

~~Students identified as disabled under R.C. 3323 and the IDEA are subject to the eligibility standards established by this policy unless specifically exempted by the express terms of their individualized education program ("IEP"). An IEP can specify the criteria by which a grade will be determined for (a) course(s), given the student's individualized disability.~~

~~[] Any student who has not made a passing score on all required sections of the State mandated tests after _____ (____) [ENTER AMOUNT] attempts shall be ineligible to participate in athletics. [END OF OPTION]~~

[DRAFTING NOTE: The following should be selected, if at all, ONLY if the Center provides intervention programs to help students pass the proficiency tests at times that would conflict with practice.]

~~[] The Board believes a student who has not passed these tests would be better served by using the time that the student would be participating in their interscholastic sport to participate in one (1) or more of the Center's programs for assisting students to pass the required tests. [END OF OPTION]~~

~~[] However, if a parent believes that their child may be unduly affected by the child's lack of participation in a particular sport, the parent may come to the school and sign a waiver that will release the student from this proficiency test eligibility rule and allow the student to participate in a particular sport. The parent shall be informed, prior to signing the waiver, that State law does not allow a student to receive a high school diploma unless the student has passed all State testing requirements. [END OF OPTION]~~

~~Since the primary purpose of the athletic program is to enhance the education of participating students, as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship and fair play:~~

~~[] The Board further adopts those eligibility standards set by the Constitution of the Ohio High School Athletic Association ("OHSAA") that are consistent with State and Federal law, and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of this Board. [END OF OPTION]~~

~~No student shall be excused from a class or supervised study for an extended period of time to participate in interscholastic athletics.~~

~~[] The Board further directs that only those students may participate in the program of interscholastic athletics who have:~~

- ~~A. () maintained a satisfactory academic record;~~

- B. ~~() attended school regularly;~~
- C. ~~() demonstrated good citizenship and responsibility;~~
- D. ~~() returned all school and athletic equipment;~~
- E. ~~() refrained from participation in a contest on a noninterscholastic team, or as an individual in the same sport during the school's season.~~

~~{END OF OPTIONS}~~

The Superintendent shall annually prepare, approve, and present to the Board for its consideration a program of interscholastic athletics which shall ~~() include a complete schedule of events () and shall inform the Board of changes in that schedule as they occur () and shall secure Board approval before making any changes in the said schedule~~ **~~{END OF OPTIONS}~~**.

In order to minimize health and safety risks to student athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches shall not dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance enhancing purposes. The Superintendent shall cause to be posted in all locker rooms in buildings that include students in any grade higher than the sixth grade the following:

"Warning: Improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. ~~[]~~ Such guidelines should provide for the following safeguards:

- A. ~~() Prior to enrolling in the sport:~~
 - 1. ~~() each participant shall submit to a thorough physical examination by a Center approved physician;~~
 - 2. ~~() parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.~~
- B. ~~() Any student who is found to have a health condition which may be life threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. The Center shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician but not by the Center.~~
- C. ~~() Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.~~
- D. ~~() Any student practicing for or competing in an interscholastic event who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall be removed from the practice or competition by the student's coach (and/or the referee serving during the practice or competition).~~

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

- 1. The student's condition is assessed by a physician ~~()~~ or other health care provider **~~{END OF OPTION}~~** authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student;
- 2. The student receives written clearance that it is safe to return to practice or competition from a physician ~~()~~ or other health care provider **~~{END OF OPTION}~~** authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to grant such a clearance.

~~{END OF OPTIONS}~~

~~[] The Superintendent is also to develop guidelines for ensuring that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate. Such guidelines should include:~~

- ~~A. () criteria for judging these important qualities;~~
- ~~B. () procedures by which these values will be communicated to students, parents, and supporters;~~
- ~~C. () means for monitoring the behavior of each of these groups to ensure their behavior reflects high standards.~~

~~[] The guidelines should also provide a set of behavioral expectations for each type of participant as well as a Sportsmanship Code of Conduct which each type of participant is to follow. The Superintendent is authorized to implement suitable disciplinary procedures against those who violate this Sportsmanship Code. [END OF OPTIONS]~~

~~Students will be further informed that participation in interscholastic sports is a privilege and not a right, and that they may be prohibited from all or part of their participation in such activities by authorized school personnel without further notice, hearing, and/or appeal rights (see Policy 5610.05—Prohibition From Extracurricular Activities).~~

~~In order to support the High School Athletic Association's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:~~

- ~~A. () adopt policies (upon recommendation of the administration) which reflect the Center's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;~~
- ~~B. () establish standards for athletic participation which reinforce the concept that athletic activities are a privilege, not a right;~~
- ~~C. () attend and enjoy school athletic activities, serving as a positive role model, and expecting the same from parents, fans, participants, coaches, and other school personnel;~~
- ~~D. () support and reward participants, coaches, school administrators, and fans who display good sportsmanship;~~
- ~~E. () recognize the value of school athletic activities as a vital part of education. [END OF OPTIONS]~~

~~No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the Center because the student has or is participating in a College Credit Plus Program, as long as the student fulfills all academic, nonacademic, and financial requirements.~~

~~No student will be limited from wearing religious apparel while participating in interscholastic or non-interscholastic extracurricular activities unless such apparel poses a legitimate danger to participants. If such danger is identified, the student will be offered reasonable accommodations available for the participant wearing religious apparel.~~

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Legal R.C. 2305.23, 2305.231, 3313.53, 3313.535, 3313.539, 3313.752
 R.C. 3313.5311, 3313.5312, 3313.5314, 3313.5317, 3315.062
 Ohio High School Athletic Association

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised ASSIGNMENT AND TRANSFER
Code	po3130
Status	1) Reading and Review
Adopted	June 10, 2008
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

Revised Policy - Vol. 44, No. 1

3130 - ASSIGNMENT AND TRANSFER

The Governing Board believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the Educational Service Center ("Center").

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

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

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Revised Policy - Vol. 44, No. 1

5136 - PERSONAL COMMUNICATION DEVICES

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

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

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

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

Students are prohibited from using a PCD except:

- A. ☒ when the teacher authorizes a student to use a PCD for educational purposes during instructional time;
- B. ☒ when the Principal/Director authorizes a student to use a PCD for educational purposes during instructional time;
- C. ☐ during the student's lunch period/break;
- D. ☐ between classes;
- E. ☐ as authorized by a supervising adult during school-related events and functions (e.g., after-school activities, extracurricular activities); or
- F. ☐ while riding in school vehicles. (Distracting behavior that creates an unsafe environment, failure to follow instructions of a bus driver, or any other violation of the Student Code of Conduct related to PCD use shall not be tolerated and may result in the loss of use of the PCD while in a school vehicle as well as discipline when appropriate.)

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

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

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

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

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

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

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

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

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

Possession of PCDs on Campus

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

~~**[]** Students are permitted to possess a PCD while on campus, but must leave the device stored in a ~~()~~ locker ~~()~~ backpack ~~()~~ purse **[END OF OPTIONS]** and are not permitted to use the device except when permitted by this policy or the emergency management plan. **[END OF OPTION]** **[DRAFTING NOTE: Centers have the option of permitting students to possess a phone while on campus, and should select the appropriate option. When drafting**~~

~~protocols in the emergency management plan, Centers might want to specify that students may only use a PCD during an emergency if they can safely access it without violating any other emergency response protocols.~~

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

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

- A. ☒ Issue a verbal warning and require the student to store the PCD in accordance with this policy.
- B. ☒ Confiscate the PCD and store it securely in a staff-controlled locker, bin, or drawer for the duration of the class or period.
- C. ☒ Confiscate the student's PCD and store it in the facility's central office for the remainder of the school-related event or instructional school day.
- D. ☒ Confiscate the student's PCD in the facility's central office to be picked up by the student's parent or guardian.
- E. ☒ Schedule a conference with the student's parent or guardian to discuss the student's PCD use.
- F. ☒ Loss of privilege to bring a PCD to school for a designated length of time or on a permanent basis (unless required for medical reasons or in accordance with an IEP or Section 504 plan).
- G. ☒ In-school suspension.
- H. ☒ Out-of-school suspension.
- I. ☒ Expulsion.
- J. ☐ _____. [Other (insert as needed)]

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

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

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

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

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

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

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

[END OF OPTIONAL PROVISIONS]

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

R.C. 3313.753

ODEW Ohio Cell Phones in Schools Model Policy

R.C. 5502.262

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R.C. 3313.753

R.C. 5502.262

Cross References

po0100 - DEFINITIONS

po5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

po5771 - SEARCH AND SEIZURE

po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

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5200 - ATTENDANCE

The educational program offered by this Educational Service Center ("Center") is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Absences for any reason, whether excused or unexcused, reduce instructional time and have an adverse impact on student learning. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session.

☒ or during the attendance sessions to which a student has been assigned. **[END OF OPTION]**

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

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

~~[] [OPTIONAL LANGUAGE]~~

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

- A. personal illness (a written physician's statement verifying the illness may be required)
- B. appointment with a health care provider
- C. illness in the family necessitating the presence of the child
- D. quarantine of the home
- E. death in the family
- F. necessary work at home due to absence or incapacity of parent(s)/guardian(s)
- G. attendance at a driver's education course for up to two (2) hours on no more than four (4) days (limited to a total of eight (8) hours during the school year), provided that the absence does not occur during a core curriculum subject course
- H. religious expression days, up to three (3) of which may, after approval by the principal in accordance with this policy, permit the student to be absent without any academic penalty
- I. out-of-state travel (up to a maximum twenty-four (24) hours per school year that the student's school is open for instruction) to participate in a 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.

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

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

L. ~~() service as a precinct officer at a primary, special, or general election in accordance with the program set forth in Policy 5725~~ **[END OF OPTION]**

M. college visitation

☒ The Center requires verification of the date and time of the visitation by the college, university, or technical college. **[END OF OPTION]**

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

O. absences due to a student being homeless

~~[END OF OPTIONAL LANGUAGE]~~

☒ Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board. **[END OF OPTION]**

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

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

At the discretion of the Superintendent, a student may be excused for a longer period of time than ten (10) days if a child's parent or guardian has recently died or become totally or partially incapacitated and there is no older brother or sister living in the home who is out of school. (The Superintendent may request a certificate of a physician attesting to the physical condition of the parent or guardian.)

~~[] Attendance shall be taken at the beginning of every block/period in buildings with block/period based scheduling. Absences from a class block/period shall be accounted for to the nearest full hour.~~ **[END OF OPTION]**

☒ Attendance shall be taken at the commencement of the school day in buildings with non-period-based schedules. Attendance for students arriving late or leaving early must be tracked and recorded to the nearest full hour. **[END OF OPTION]**

Contacting the Parent/Guardian of an Absent Student

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

~~Excessive Absences~~

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

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

~~The following "medical excuses" will not count toward a student's excessive absence hours: (1) personal illness; (2) illness in the family necessitating the presence of the child; (3) quarantine of the home; (4) health care provider appointments (doctor, dentist, mental health provider, etc.); (5) medically necessary leave for a pregnant student in accordance with Policy 5751; (6) death in the family; or (7) other set of circumstances the Superintendent deems on a case-by-case basis to be a good and sufficient cause for medical absence from school. [DRAFTING NOTE: Use the last option to permit an excused medical absence for student mental health (e.g., school phobia, anxiety, emotional disability) or for students whose chronic conditions could be impacted by recognized pandemic/epidemic (COVID-19) or other causes. Document the reason for the medical excuse.]~~

Attendance at a Driver's Education Course

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

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

Religious Expression Days

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

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

The Center has adopted the following procedure for a student, parent, or guardian to notify the Center of any grievance with regard to the implementation of this policy. A grievance must be submitted in writing to the ~~() Superintendent~~ **(X) Principal** **[END OF OPTION]**. The ~~() Superintendent~~ **(X) Principal** **[END OF OPTION]** will review the grievance and issue a written determination of whether the policy has been violated. The decision of the ~~() Superintendent~~ **(X) Principal** **[END OF OPTION]** is final and not subject to further appeal.

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

The policy will be placed in a prominent location on the Center's website and will include the contact information for an individual who can provide further information about the policy. The Center will also publish a non-exhaustive list of major religious holidays, festivals, and religious observations. ~~(-) as published by the State Superintendent for which an absence will not be unreasonably withheld or denied [END OF OPTION]. [DRAFTING NOTE: Centers are required to publish a non-exhaustive list of religious holidays, festivals, and observances. At the beginning of the school year, the State Superintendent is required to provide each Center with a non-exhaustive list of holidays and festivals for the next two (2) years. Each district must either adopt the State Superintendent's list or develop and adopt a list of its own.]~~ The list will be provided whenever the policy is posted, printed, or distributed, and will be accompanied by a statement that declares the list is non-exhaustive and may not be used to deny accommodations to a student for a holiday, festival, or observation that is not included in the list. Nothing in this policy, and no inclusion or exclusion of a religious holiday or festival on the list posted by a Center, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system.

Parent Notification of Excessive Absences

When a student of compulsory school age is absent from school in excess of fifty (50) or more hours ~~[END OF OPTION]~~, the Center or school shall notify the child's parent or guardian of the child's absences, in writing. ~~[DRAFTING NOTE: State law requires board policy to include procedures for notifying a student's parent, guardian, or custodian when the student has been absent from school for more than a designated number of hours. Centers must include a specific threshold, which cannot be greater than five percent (5%) of the state minimum number of hours required in the school year for the grade that the student attends. (-) Written notice will be sent within _____ (-) [ENTER AMOUNT] school days after the date of the absence that triggered the notice requirement. [END OF OPTIONAL SENTENCE] [DRAFTING NOTE: Prior to passage of HB 96 (effective September 30, 2025), districts were required to notify parents/guardians within seven (7) days of being absent for the designated number of hours. The revised statute does not require a district to provide notice within a specified timeframe. However, districts may elect to specify a timeframe with this option.]~~ At the same time written notice is given, any appropriate intervention strategy listed in this policy may be taken.

Habitually Truant

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

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

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

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

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

Absence Intervention Team

~~[DRAFTING NOTE: A school district with a chronic absenteeism percentage that is less than five percent (5%), as displayed on the district's most recent report card, and the school buildings within that district, shall be exempt from the following requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy listed in this policy. Should those intervention strategies fail, within sixty-one (61) days after their implementation,~~

~~the attendance officer shall determine whether criteria are met to file a complaint against the student in juvenile court, and if so, shall file the complaint. The language "to the extent required by law as determined on an annual basis" refers to this exemption.]~~

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

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

~~[] As part of the absence intervention plan, the () Superintendent () Principal may, in their discretion, contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in R.C. 2151.27(G). **[DRAFTING NOTE: Any school that chooses this option must develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.]**~~

~~Each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's building, another representative from the child's building who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a () school psychologist, () counselor, () social worker, or () representative of a public or nonprofit agency designed to assist students and their families in reducing absences. **[DRAFTING NOTE: Schools must obtain written permission to release confidential information about a student to third parties, such as a representative of an outside agency on an intervention team.]**~~

~~The members of the absence intervention team shall be selected within seven (7) school days of the student meeting the habitually truant threshold. Within the same period of seven (7) school days, the () Superintendent () Principal shall make at least three (3) meaningful, good faith attempts to secure the participation of the student's parent/guardian/custodian, guardian ad litem, or temporary custodian on that team. A good faith attempt to secure the participation of the parent shall include, but not be limited to, contacting (or attempting to contact) the parent by telephone, email, or regular mail. If the student's parent responds to any of those attempts but is unable to participate for any reason, the () Superintendent () Principal shall inform the parent of the parent's right to appear by designee. If seven (7) school days elapse and the student's parent/guardian/custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the attendance officer shall investigate whether the failure to respond triggers mandatory abuse or neglect reporting to the public children services agency. At the same time, the absence intervention team shall continue to develop an intervention plan for the child notwithstanding the absence of the child's parent/guardian/custodian, guardian ad litem, or temporary custodian.~~

Tiered System of More Intensive Interventions and Supports

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

Intervention Strategies

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

- A. ☒ provide counseling to the student
- B. ☒ request or require the student's parent to attend a parental involvement program
- C. ☒ request or require a parent to attend a truancy prevention mediation program
- D. ☐ notify the Registrar of Motor Vehicles of the student's absences
- E. ☒ take appropriate legal action

F. ☐ assign the student assignment to an alternative school **[DRAFTING NOTE: If the Center has established an alternative school, it must appear as an alternative intervention strategy.]**

G. ☐ **[Other]** _____

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

[DRAFTING NOTE: Choose one of the following options]

☐ The plan shall be implemented not later than seven (7) days prior to the first day of instruction of the next school year.

[OR]

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

[END OF OPTIONS]

Reporting Requirements

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

- A. The student is habitually truant.
- B. The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication, if applicable.
- C. The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.

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

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

Absence Intervention Team

The Center will establish at least one (1) absence intervention team ("AIT") ☐ Center wide ☒ in each school building **[END OF OPTION]**. The AIT will work with students at risk of becoming chronically absent and their families to improve the students' attendance. The Superintendent will develop administrative guidelines that address AIT membership, criteria for when the AIT will work with students and families, and strategies and resources that may be utilized by the AIT to improve school attendance.

Educational Program

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

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

~~absences that will trigger a notice to the Registrar of Motor Vehicles and Juvenile Court Judge under R.C. 3321.13(B)(2). It is not to be confused with "excessively absent" or "habitually truant" as those terms are defined above.}]~~

~~[DRAFTING NOTE: A student is designated a habitual truant only through the measurement of unexcused absences. Schools must initiate intervention procedures for habitually truant students. If the interventions fail, the school must file a complaint against the habitually truant student in juvenile court. Excessive absenteeism is marked by an accumulation of both excused and unexcused absences. Intervention strategies may be implemented for students designated excessively absent, but a notice to parents is required. No further action toward the excessively absent student is required unless the student becomes habitually truant. The parent notice is purely a warning that the child has missed an excessive amount of school hours, both with and without a legitimate excuse.}]~~

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

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

- ~~A. when a notice that a student has been absent with or without legitimate excuse for thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year is submitted to a parent/guardian/or custodian;~~
- ~~B. when a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty (30) or more consecutive hours, forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in a school year;~~
- ~~C. when a child of compulsory school age who has been adjudicated an unruly child for being a habitual truant violates the court order regarding that adjudication;~~
- ~~D. when an absence intervention plan has been implemented for a child under this policy.~~

This policy was developed after consultation with the parents, guardians, or other persons having care of the students attending school in the Center, and with appropriate State and local agencies. **The policy aligns with the Center and school improvement plans developed pursuant to State and Federal law.**

[] [OPTIONAL LANGUAGE]

Tracking Remote Attendance

Consistent with the Center's remote learning plan (e.g., Blended Learning, Online Learning, etc.), the Center will provide a variety of instruction models, including both teacher led remote learning and self directed remote learning.

Student attendance in teacher led remote learning (synchronous web-based instruction) shall be tracked in the same manner as hourly, in-person instruction. Teachers shall determine hourly attendance by evidence of student login and logoff data. [] Teachers are encouraged to verify meaningful attendance in a method selected by the teacher, such as an ungraded quiz at the close of a lesson, a survey or poll questions (unrelated to the lesson and unpredictable) at the end of the lesson, or asking students questions at random throughout a session. **[END OF OPTIONAL SENTENCE]**

In addition to the reasons listed at the beginning of this policy, absences from teacher led remote learning (synchronous web-based instruction) may be considered excused under the following circumstances, with () written **[END OF OPTION]** notice from a parent/guardian:

- ~~A. () temporary internet outage for individual students or households;~~
- ~~B. () unexpected technical difficulties for individual students or households, such as password resets or software upgrades occurring during a teacher led remote learning lesson;~~
- ~~C. () computer/device malfunction;~~
- ~~D. () malfunction of a Center owned device for which the Center is providing technical assistance, repair, or replacement.~~

~~Attendance in self-directed remote learning (asynchronous) shall be tracked by evidence of participation, which may include, but is not limited to:~~

- ~~A. daily logins to learning management systems;~~
- ~~B. daily interactions with the teacher to acknowledge attendance, which may include, but are not limited to, messages, emails, telephone calls, video chats, or other formats that enable teachers to engage with students; and~~
- ~~C. assignment completion.~~

~~The teacher will determine the number of hours a typical student would take to complete an assignment and report those hours of attendance when the assignment is completed. A teacher () may () should [END OF OPTION] adjust the number of hours of attendance based on the length of time the student actually spent on the assignment, as reported by the student, parent, or other person with knowledge. [DRAFTING NOTE: If a teacher knows that a regular education student or special education student took "significantly" longer (i.e., more than a de minimis additional amount of time) than the "typical" amount of time to complete an assignment, the student should be given additional attendance "credit." The administration will need to determine how it intends to verify the amount of time the student or parent reports it took the child to complete the assignment from the time a "typical" student would be expected to take to complete the assignment.]~~

~~[END OF OPTIONAL LANGUAGE]~~

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Legal R.C. 2151.011, 3313.668, 3317.034, 3321.01 et seq., 3321.13(B)(2), 3321.19, 3321.191
 R.C. 3321.22, 3321.38, 3323.041
 A.C. 3301-35-03, 3301-47-01, 3301-69-02

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised RELEASED TIME FOR RELIGIOUS INSTRUCTION DURING THE SCHOOL DAY
Code	po5223
Status	1) Reading and Review
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

~~Revised Policy — Vol. 44, No. 1~~

~~5223 — RELEASED TIME FOR RELIGIOUS INSTRUCTION DURING THE SCHOOL DAY~~

~~The Governing Board desires to cooperate with those parents who wish to provide for religious instruction for their children but also recognizes its responsibility to enforce the attendance requirements of the State.~~

~~Students shall be provided "released time" during the school day to attend a course in religious instruction conducted by a private sponsoring entity that is provided off of Educational Service Center ("Center") property. Students will be excused and not considered absent from school during released time, provided that the following requirements are met: entity off Center property, provided that the following requirements are met, such students will not be considered absent when the:~~

- ~~A. student's parent or guardian gives consent in writing;~~
- ~~B. sponsoring entity maintains attendance records and makes them available to the Center;~~
- ~~C. sponsoring entity provides and assumes liability for the student; and~~
- ~~D. student assumes responsibility for any missed school work.~~

~~Transportation of students to and from released time instruction is the sole complete responsibility of the sponsoring entity, the parent, guardian, and/or student. The Board, its members, and employees are immune from liability for any injuries arising from transportation to and from released time instruction. Further, no Board funds will be expended for, and no Center personnel shall be involved in, the provision of religious instruction.~~

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

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

- ~~A. For elementary and middle schools students, _____ () [ENTER AMOUNT] period(s) per week.~~
- ~~B. For high school students, the equivalent time to attend _____ () [ENTER AMOUNT] unit(s) of high school credit per week.~~

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

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

~~[] The Board deems all graded courses to be core curriculum including, but not limited to, courses that have State-approved learning standards. [END OF OPTION]~~

[][OPTION]

High school students may earn up to two (2) units of high school credit for coursework completed during released time instruction. Such credits may substitute for credits required pursuant to R.C. 3313.603(C)(8).

In determining whether to award credit for completion of a course, the Board will evaluate the course based on secular criteria including, but not limited to:

- A. the number of hours of instructional time;
- B. a review of the course syllabus that reflects course requirements and materials used;
- C. the assessment methods used in the course; and
- D. the instructor's qualifications, which shall be similar to the qualifications of other teachers in the Center.

The decision as to whether to provide credit for a specific released time religious instruction course will be neutral as to religious content and will not involve any test for religious content or denominational affiliation.

[END OF OPTION]**[][OPTION]**

Released time instruction will be limited to _____ [ENTER NUMBER] day(s) per school _____ [QUARTER, SEMESTER, YEAR, ETC.], as established by the Superintendent, and shall not exceed _____ [ENTER AMOUNT] minutes, inclusive of travel. [END OF OPTION] [DRAFTING NOTE: It is imperative that you first collaborate with any sponsoring entity's representatives before making a final decision on establishing release time(s).]

[][OPTION]

The Governing Board requires sponsoring entities to conduct criminal background checks of any instructors or volunteers. It is the responsibility of any private entity providing religious instruction during release time from the school day to annually submit to the Board an acknowledgment that it has completed criminal background checks on all instructors and volunteers and has verified engaged in a course in religious instruction and certifying that no such individual has a criminal conviction which would constitute an absolute bar offense under R.C. 3319.31(C) and otherwise prevent them from being employed with an Ohio public school district. In addition, the acknowledgment will include an affirmation by the private entity of its ongoing obligation to complete and maintain such checks on all such instructors and volunteers if/when staffing changes. The Center will not release students to a private entity for religious instruction release time if the entity fails to provide the acknowledgment and/or to satisfactorily complete follow up criminal background checks as needed.

[END OF OPTION]**[][OPTION]**

Any private entity providing religious instruction during the school day may distribute educational and program materials to participating students. Non educational or non program related materials, however, are not permitted for return to school. must agree that it will not provide participating students with any materials, snacks, clothing, candies, trinkets, or other items for their return to school. Any failure to adhere to this prohibition will result in a rescission of the permission of the private entity to receive students from the Center unless or until such time as the Center is provided assurances that such activities will be discontinued. [END OF OPTION]

Distribution of materials provided by outside groups is governed by Board Policy 9700.

[END OF OPTION]

DRAFTING NOTE: Policy 9700 House Bill 96 specifically states that board policies may not prohibit students from bringing external educational and program materials into school. Since determining whether and/or what snacks, clothing, candies, trinkets, etc. are "program" related will be difficult, we anticipate that challenges will ensue for any effort to limit what students bring when returning from religious instruction as in the first option above. This will be true whether either option is selected. For example, a district choosing not to address this item in policy could wait to see if any disruption to the educational environment is being caused by what students are returning with, determine if the "material" is either educational or program related, and if not, enter into dialogue with the religious provider for voluntary compliance backed up by the language of

~~the statute. As such, we highly recommend that districts consult legal counsel before considering either of these options and/or when attempting to restrict or otherwise regulate what students are bringing to school from religious instruction. [DRAFTING NOTE: Presently, there are no real guidelines provided for boards of education relative to this (now) mandatory policy. Circumstances will vary from district to district. However, the more "restrictive" your district wishes to become relative to released time for religious instruction (including the statutory option for criminal background checks), the more involved (entangled) you are likely to become with the private entity. For example, some districts may choose to include a review of the entity's policies on harassment, procedures for special needs students, and/or the finances of that organization, etc. We strongly urge boards to carefully consider these dynamics and to access board counsel to review the various implications presented here as representatives of at least one (1) sponsoring entity have indicated an intent to litigate First Amendment and other issues pertaining to restrictive language and options in this policy. The law is unsettled and the mandating legislation is ambiguous and without substantive guidance.]~~

~~Staff members shall not promote or discourage participation in release time programs for any religious instructional program.~~

~~Nothing herein shall constitute an endorsement of religion or infringe upon an individual's First Amendment rights.~~

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Legal

R.C. 3313.6022

Attorney General's Opinion 88-001

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 New ACCEPTANCE OF PAYMENT BY CREDIT CARD
Code	po6109
Status	1) Reading and Review
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

New Policy - Vol. 44, No. 1

6109 - ACCEPTANCE OF PAYMENT BY CREDIT CARD

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

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

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

Compliance with PCI DSS

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

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

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

- A. Build and maintain a secure network, which includes installation and maintenance of firewall configurations to protect cardholder data.
- B. Not use vendor-supplied defaults for system passwords and other security parameters.
- C. Protect cardholder data.
 1. The card verification code or value (three (3) digit or four (4) digit code printed on the front or back of the credit card) is not to be stored under any circumstances.
 2. The personal identification number ("PIN") or the encrypted PIN block is not to be stored under any circumstances.
 3. All primary account numbers ("PANs") should be masked. Viewing will be limited to employees and other parties with a legitimate need to know.

- D. Encrypt transmission of cardholder data across open, public networks.
- E. Maintain a vulnerability management program, which includes protection against malware and the use of antivirus software that is routinely updated.
- F. Develop and maintain secure systems and applications.
- G. Implement strong access control measures.
- H. Identify and authenticate access to system components.
- I. Restrict physical access to cardholder data internally and externally. All paper and electronic records must be stored in secure locations.
- J. Track and monitor all access to network resources and cardholder data.
- K. Regularly test security systems and processes.
- L. Maintain an Information Security Policy – maintain a policy that addresses information security. The policy outlines the Board's incident response plan.

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

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

Breach of Data

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

- A. Social security number;
- B. Driver's license number or State identification card number;
- C. Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

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

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

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Legal

R.C. 1349.19

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Technical Correction STUDENT FEES, FINES, AND CHARGES
Code	po6152
Status	1) Reading and Review
Adopted	June 10, 2008
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

Technical Correction Policy - Vol. 44, No. 1

6152 - STUDENT FEES, FINES, AND CHARGES

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

The Board will not charge a fee to a student who is eligible for a free lunch under the National School Lunch Act and the Child Nutrition Act of 1966 for any materials needed to enable the student to participate in a course of instruction. However, the Board may nonetheless charge a fee for materials needed for a student to participate in extracurricular activities or student enrichment programs.

~~() or tools, equipment, and materials that are necessary for workforce readiness career technical education training program that may be retained by the students after completion of the course. [END OF OPTION]~~

~~[] School fees shall be paid in advance for each school term at the time of initial registration or initial enrollment. [END OF OPTION]~~

Fees

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

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

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

7. ~~(-) graduation fees~~
8. ~~(-) school records fees~~
9. ~~(-) school health service fees~~
10. ~~(-) driver's education fee assessed pursuant to Ohio Revised Code~~

B. "School fees" do not include:

1. ☒ library fines and other charges made for the loss, misuse, or destruction of school property;
2. ☒ charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items;
3. ☒ charges for optional travel undertaken by a school club or group of students outside of school hours;
4. ☒ charges for admission to school dances, athletic events, or other social events;
5. ☒ optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).

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

Fines

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

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

~~[CHOOSE OPTION 1 OR OPTION 2]~~

☒ [OPTION 1]

Any fees, fines, and/or other charges collected by members of the staff shall be turned in to the Treasurer within one (1) business day after collection.

~~[END OF OPTION 1]~~

☐ [OPTION 2]

~~Any fees, fines, and/or other charges collected by members of the staff that total more than \$1,000.00 or that cannot be safeguarded shall be turned in to the Treasurer within one (1) business day after collection. Any fees, fines, and/or charges collected by members of the staff that total less than \$1,000.00 and that can be safeguarded shall be turned in to the Treasurer within three (3) business days after collection. A place such as the building safe or a locked file cabinet () shall be designated in each building () shall be used [END OF OPTION] for securing these monies until they are deposited with the Treasurer. At no time shall any staff member place public monies in the staff member's his/her own banking accounts or commingle public monies with their own. Except in cases of extenuating circumstances, i.e., the inability to access the secure place in the building, public monies should not be taken to a person's place of residence.~~

~~[END OF OPTION 2]~~

~~[END OF OPTIONS]~~

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

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

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

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

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

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Legal

R.C. 2151.272, 3313.642, 3329.06, 9.38

National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)

Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised AUDIT
Code	po6830
Status	1) Reading and Review
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

Revised Policy - Vol. 44, No. 1

6830 - AUDIT

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

The **Treasurer/CFO** shall also prepare and publish an audited statement of the financial condition of the Center at the close of each fiscal year, ~~on or before _____ of the next succeeding fiscal year.~~

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

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

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

[X] Any finding for recovery should be reported to and jointly made against the Center's bonding company. ~~[END OF OPTION]~~

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

R.C. 117.11, 117.115, 3313.27

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Legal R.C. 117.11, 117.115, 3313.27

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised DIGITAL CONTENT AND ACCESSIBILITY
Code	po7540.02
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Adopted	June 10, 2008
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

Revised Policy - Vol. 44, No. 1

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

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

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

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

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

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

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

[END OF OPTIONS]

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

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

1. Educate

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

2. Inform

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

3. Communicate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Accessibility of Web Content and Mobile Apps Website Accessibility

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

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

1. Technical Standards

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

[DRAFTING NOTES:

- Centers with a population of 50,000 or more residents must fully comply with WCAG 2.1, Level AA standards by April 24, 2026; Centers with fewer than 50,000 residents must fully comply with WCAG 2.1, Level AA standards by April 26, 2027.
- While the Department of Justice's Final Rule allows public entities to employ alternative designs, methods, or techniques if they provide equivalent or greater accessibility and usability, Neola does not recommend that approach. If a board wants to consider an

alternative technical standard, it should consult with its legal counsel.}] [DRAFTING NOTE: While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies.}]

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

- a. Archived web content (provided all four (4) Federal criteria are met).
- b. Preexisting conventional electronic documents (with specific restrictions).
- c. Third party content that is not created pursuant to a contract between the Board and a third party.
- d. Password-protected documents pertaining to a specific student or account.
- e. Preexisting social media posts.

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

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

When a person with a disability cannot access Center-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the Center will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within five (5) ~~[INSERT TIMEFRAME]~~ business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; or (c) email or mail delivery of information typically accessed online.

2. DigitalWeb Accessibility Coordinator

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

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

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

☒ ~~[OPTION #1]~~

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

~~[END OF OPTION #1]~~

~~[] [OPTION #2]~~

~~The Center's Digital Web Accessibility Coordinator(s) can be reached at~~

[Insert name or title, address, e-mail, phone].

~~[END OF OPTION #2]~~

3. Third Party Content

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

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

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

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or
- b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the Center's program, benefits, or services.

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

4. Regular Audits

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

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

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

~~[] [OPTION 1]~~

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

~~[END OF OPTION 1]~~

[X] [OPTION 2]

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

[END OF OPTION 2]

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

5. Reporting Concerns or Possible Violations

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

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

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

~~{SELECT OPTION 1 OR 2}~~

~~[X] {OPTION 1}~~

The Board requires the ~~() Superintendent~~ ☒ ~~Principal or Technology Manager~~ ~~{END OF OPTION}~~ pre-approve each ~~app/service~~ app and/or service that a teacher intends to use to supplement and enhance student learning. To be approved, the ~~app/service~~ app and/or service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards and CIPA ~~()~~ and Section 504 and the ADA ~~{END OF OPTION}~~.

~~{END OF OPTION 1}~~

~~{ } {OPTION 2}~~

~~A teacher who elects to supplement and enhance student learning through the use of apps/services~~ apps and/or services is responsible for verifying/certifying to the ~~() Superintendent~~ ~~()~~ ~~{END OF OPTION}~~ that the ~~app/service~~ app and/or service has a FERPA-compliant privacy policy and it complies with all requirements of the COPPA, CIPA, and Section 54/ADA, including the WCAG 2.1, Level AA accessibility standards and CIPA ~~()~~ and Section 504 and the ADA ~~{END OF OPTION}~~.

~~{END OF OPTION 2}~~

~~{END OF OPTIONS}~~

The Board further requires ☒ the use of a Board-issued e-mail address in the login process ~~for Center-approved/affiliated apps/services~~ ~~() prior written parental permission for a student seventeen (17) years of age or younger to use the student's personal e-mail address in the login process for Center-approved/affiliated apps/services~~ ~~{END OF OPTION}~~.

E. Training

The Center will provide ~~() annual~~ ☒ ~~periodic~~ ~~{END OF OPTION}~~ training for its employees who:

1. ~~create web content, documents, or multimedia materials;~~
2. ~~manage the Board's website and digital services;~~
3. ~~select and contract with technology vendors; and~~
4. ~~work on online communications. The training should cover:~~

~~{CHOOSE OPTION 1 OR OPTION 2}~~

~~{ } {OPTION 1}~~

- a. ~~WCAG 2.1, Level AA guidelines and success criteria;~~
- b. ~~accessible document creation (PDFs, Word, PowerPoint);~~

- ~~c. alternative text requirements for images and media;~~
- ~~d. video captioning and audio description requirements;~~
- ~~e. accessible form and navigation design;~~
- ~~f. color contrast and visual design standards;~~
- ~~g. vendor accessibility evaluation criteria; and~~
- ~~h. the Center's responsibilities under Title II of the ADA, including its grievance procedures.~~

[END OF OPTION 1]

[X] [OPTION 2]

this Policy and responsibilities associated with the specified staff members' roles related to implementation of this policy and ensuring the Center's digital content is appropriate and accessible.

[END OF OPTION 2]

[END OF OPTIONS] The Center will provide ~~()~~ annual ~~()~~ periodic **[END OF OPTION]** training for its employees who are responsible for creating web content or distributing information online so that these employees are aware of this Policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of documents and multimedia content.

~~[]~~ Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance. ~~an individual with sufficient knowledge, skill, and experience to understand and employ the technical standards set forth in Board policies and administrative guidelines.~~ **[END OF OPTION]**

~~[]~~ New employees in covered positions must complete accessibility training within _____ **[INSERT TIMEFRAME]** of hire. **[END OF OPTION]**

F. One-Way Communication Using the Center Website and/or Center-Approved/Affiliated Apps/Services, Apps, and Services

The Board approves the use of its website and Center-approved/affiliated apps/services/web pages, apps, and services to promote school activities and inform stakeholders and the general public about Center news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the Center's website and/or Center-approved/affiliated apps/services Center web pages/sites, apps, and services to be one-way communication, public comments are not solicited or desired, and the website or app/service, app, or service is to be considered a nonpublic forum.

If the Center uses an app/service/app and/or web service that does not allow the Center to block or deactivate public comments, the Center's use of that app/service/app and web service is subject to Policy 7544 - Use of Social Media, unless the Center is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the Center will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records and AG 8310E - Record Retention and Disposal), but it will not review or consider those comments.

[DRAFTING NOTE: Centers are advised to adopt a new category of records that covers such "hidden public comments" on social media. Unless dictated by State law, retention periods established by the Center for such unsolicited communications should be limited.]

R.C. 9.03

O.A.G. Opinion No. 2002-01

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Effective 6/24/2024)

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Legal

R.C. 9.03

O.A.G. Opinion No. 2002-01

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability;
Accessibility of Web Information and Services of State and Local Government Entities
Effective 6/24/2024)

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Rescind ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN
Code	po7541
Status	From Neola
Adopted	June 10, 2008

Rescind Policy - Vol. 44, No. 1

7541 ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN

The Governing Board is committed to maintaining and protecting the Center's Information System. The Board believes that a complete and accurate Information System which includes educational, student, fiscal and personnel information is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent, in conjunction with the Treasurer, is directed to develop, test and maintain an *Electronic Data Processing Disaster Recovery Plan* for use in the event a disaster should disable the Center's electronic data processing equipment.

The Plan may include:

- A. ~~() a reciprocal agreement with a neighboring school centers or data acquisition site, which outlines the scope of reciprocal services such as access to the computer facility of the alternative, computer time and personnel assistance, and costs;~~
- B. ~~() adequate equipment insurance;~~
- C. ~~() a list of the applications that are used by the Center;~~
- D. ~~() procedures used to backup all programs and data on a daily, monthly, quarterly and year end basis;~~
- E. ~~() backup storage off site;~~
- F. ~~() maintenance agreements for hardware and software (including, but not limited to the operating system);~~
- G. ~~() a list of vendor contacts to be called for the immediate replacement of disabled equipment or corrupted software;~~
- H. ~~() as a last resort, the procedure to create payroll checks and budgetary checks, and perform other necessary accounting functions, manually;~~
- I. ~~() _____ [other].~~

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Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN
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Adopted	July 19, 2017
Last Revised	August 15, 2025
Last Reviewed	September 24, 2025

Revised Policy - Vol. 44, No. 1

8300 - CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

The Governing Board shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The Educational Service Center's ("Center") COOP shall be (X) consistent with ~~() a component of [END OF OPTIONS]~~ the Center's School Safety Emergency Management Plan (see Policy 8400 - School Safety). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event strengthens the Center's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the Center, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources. The Continuity of Organizational Operations Plan (COOP) provides the Center with the capability of conducting its essential operations under all threats and conditions, with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to the recovery of operations and minimizing the impact on the Center's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the Center's critical operational/business functions and the learning environment as quickly as possible after a crisis/emergency/disaster or threat event occurs. ~~()~~ The COOP shall include strategies aimed at resuming instruction and crucial business functions within _____ ~~()~~ [ENTER AMOUNT] ~~()~~ days ~~()~~ hours [END OF INTERNAL OPTIONS] [DRAFTING NOTE: Select a time period in which to restart Center essential operations — e.g., two (2) school days, five (5) business days, forty-eight (48) hours.] of the disruption, along with procedures to implement secure remote work and instruction in a crisis/emergency/disaster, identify alternative sites and technology redundancy, and provide incident response integration with the Center's cybersecurity incident management protocols. [END OF OPTIONAL SENTENCE]

The Center will use the following process to achieve essential function resilience (i.e., business and learning continuity):

- A. identify essential functions;
- B. determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);
- C. conduct risk assessments for each planning factor; and
- D. identify and implement continuity options.

Because the COOP contains sensitive information, by law, it functions and the learning environment as quickly as possible after a crisis or threat event occurs. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks, cyberattacks, and terrorist attacks and threats, have increased the need for viable continuity capabilities and plans that enable the Center to resume and continue the essential functions in an all-hazards environment across a full spectrum of crises/emergencies/disasters/emergencies. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall Center. ~~()~~ as well as and also for each school ~~()~~ and department in the Center [END OF OPTIONS]. [DRAFTING NOTE: While the preceding optional language is true, they do not need to be included if a Center wants to simply state that its COOP is important to the Center as a whole. The following sentence, however, is not optional and emphasizes the necessity for individual schools and departments to have individualized continuity of operation plans in place to address their unique needs and circumstances.] Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the Center-wide COOP. The site/department-specific COOPs are subject to annual submission to and review by the Superintendent.

The Center-wide plan describes how the Center will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement command and control necessary to function during the life cycle of the event. Individual school and department plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event, contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the Center's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the Center. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to Center operations. The COOP outlines and coordinates all efforts by the Center, in cooperation with other local and State agencies and businesses, to restore the essential functions of the Center post-incident/event, post-disaster.

The Superintendent shall provide that all relevant staff receive ~~() annual~~ ☒ periodic ~~[END OF OPTIONS]~~ training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Governing Board review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws (i.e., O.R.C. 149.433), and accordingly, no copies shall be provided for public review.

The Superintendent shall conduct an annual review and update, as necessary, to the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety (which discusses the conduct of annual emergency management tests). The Superintendent shall conduct ~~() an annual~~ ~~() a periodic~~ ~~[END OF OPTION]~~ review of the COOP.

R.C. 9.65, 149.433

FEMA's Continuity Guidance Circular (2024 Update)

Guide for Developing High-Quality School Emergency Operation Plans

The Role of Districts in Developing High-Quality School Emergency Operation Plans: A Companion to the School Guide

Readiness and Emergency Management for Schools (REMS): Technical Assistance Center

Ohio School Safety Center (a division of the Ohio Department of Public Safety)

National Incident Management System (NIMS)

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R.C. 9.65, 149.433

FEMA's Continuity Guidance Circular (2024 Update)

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National Incident Management System (NIMS)

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Revised Policy - Vol. 44, No. 1

8305 - INFORMATION SECURITY

The Educational Service Center ("Center") collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the Center. This data/information may be in hard copy or digital format and may be stored in the Center or off-site with a third party provider.

Data/Information collected by the Center shall be classified as Confidential, Controlled, or Published. The Superintendent shall define "Confidential," "Controlled," and "Published" in administrative guidelines and provide examples of data/information in each classification. Data/Information will be considered Controlled until identified otherwise.

Protecting Center Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the Center's data/information secure. This includes Governing Board members, staff members/employees, students, parents, contractors/vendors, and visitors who use Center Information & Technology Resources (as defined in Bylaw 0100). If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee's immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.

Staff members and individuals associated with the Center through their affiliation with a Center contractor/vendor. Individuals who are granted access to data/information collected and retained by the Center must follow established procedures so that the data/information is protected and preserved. Board members, administrators, and all Center staff members ~~(), as well as contractors, vendors, and their employees, [END OF OPTION]~~ granted access to data/information retained by the Center are required to certify annually that they shall comply with the established information security protocols pertaining to Center data/information. Further, all persons granted access by the Center ~~individuals granted access~~ to Confidential Data/Information retained by the Center must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. For staff members, completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the Center Technology Resources on which it is stored. The Superintendent shall conduct an annual risk assessment related to the access and security of the Center's Data/Information. Further, the Center will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.

Center information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), Children's Online Privacy Protection Act ("COPPA"), Ohio Revised Code § 3319.321, and Ohio Revised Code § 1347.12 regarding data breaches.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them or how they apply to them, the individual should contact the Center's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of Center Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the Center's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the Center shall notify affected individuals and/or government officials in accordance with State and Federal law. Further, the Superintendent is charged with developing procedures that can be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the Center's legal requirements if such a breach of personally identifiable information occurs.

Cybersecurity incident" means any of the following:

- A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;
- B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;
- C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services; or
- D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:
 - 1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or
 - 2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

Cybersecurity Program

The Center's cybersecurity program shall be designed to safeguard the Center's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

- A. Identify and address the critical functions and cybersecurity risks facing the Center.
- B. Identify the potential impacts of a cybersecurity breach.
- C. Specify mechanisms to detect potential threats and cybersecurity events.
- D. Specify procedures for the Center to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.
- E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident, and the maintenance of security after the incident.
- F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each employee. **[DRAFTING NOTE: Annual cybersecurity training provided**

by the State, and training provided by the Ohio Persistent Cyber Improvement program of the Ohio Cyber Range Institute, will satisfy this requirement.}]

~~[] It is the policy of the Board if the Center is experiencing a ransomware incident not to pay or otherwise comply with a ransom demand unless the Board formally adopts a resolution to approve such a payment or compliance with the ransom demand. If that occurs, the resolution will specifically state why the payment or compliance with the ransom demand is in the Center's best interest. [END OF OPTION]~~

[DRAFTING NOTE: The Board need not include this option in its policy, but action consistent with this statement is required by law.]

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

- A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the Center discovers the incident.
- B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the Center discovers the incident.

Any records, documents, or reports related to the Center's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records under R.C. 149.43. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the Center, including the vendor name, product name, project name, or project description, is a security record under R.C. 149.433.

All staff members ~~()~~ and contractors ~~[END OF OPTION]~~ with access to Controlled and/or Confidential Data/Information must complete ~~()~~ annual ~~[END OF OPTION]~~ training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols. ~~The Superintendent shall require staff members to participate in training related to the internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols.~~

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the Center will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party contractors/vendors (e.g., technology providers) who access Center Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the Center shall ensure appropriate security safeguards for education records and include both of the following:

- A. a restriction on unauthorized access by the technology provider's employees or contractors; and
- B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the Center at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. ~~[] Contractors/Vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the Center. [END OF OPTION]~~ Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the Center's Information & Technology Resources.

At least annually, ~~the~~ The Superintendent shall conduct ~~an () an annual () a periodic [END OF OPTION]~~ assessment of risk related to the access to and security of the data/information collected and retained by the Center.

R.C. 9.64, 1347.12, 3319.325, 3319.326

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R.C. 9.64, 1347.12, 3319.325, 3319.326

Book	Policy Manual
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Revised Policy - Vol. 44, No. 1

8400 - SCHOOL SAFETY

The Governing Board is committed to maintaining a safe and drug-free environment in all of the Educational Service Center's ("Center") 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 Center personnel, law enforcement agencies, and families. The Board further believes that all school employees (including administrators, professional staff, and support staff) and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

Emergency Management Plan ("EMP")

To that end, the Superintendent shall develop and adopt a comprehensive Emergency Management Plan ("EMP") for each building in the Center. The EMP shall be submitted on standard forms developed and made available by the Ohio Department of Public Safety ("ODPS"). In developing the EMP for each building, the Superintendent shall involve community law enforcement and safety officials (including, but not limited to, law enforcement, fire, emergency medical personnel, mental health providers, local health departments, school safety and security contacts, and any local divisions having county-wide emergency management), parents/guardians of students who are assigned to the building, and teachers and nonteaching employees assigned to the building (hereinafter, collectively referred to as "stakeholders"). Each EMP shall contain the name, title (if applicable), contact information, and signature of each stakeholder (i.e., person involved in the development of the EMP); the signature shall affirm the stakeholder was offered the opportunity to provide feedback (it does not mean or require that the stakeholder approve the EMP).

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

The EMP for each school building shall include a protocol that addresses student use of cellular telephones during an active threat or emergency.

Each EMP will consist of six (6) parts:

- A. The emergency operations plan shall consist of a single document to address all hazards that may negatively impact the school including, but not limited to, active shooter, hostage, bomb threat, act of terrorism, infectious diseases or pandemic, severe weather, bullying, threats of violence or threats to life, and any other natural, technological, or human-caused events that the Superintendent knew or should have reasonably known about that compromise the health or safety of students, employees, administrators, or property. The document will include:

1. a hazard identification and risk analysis (i.e., a process to identify hazards and assess the vulnerability associated with each);
2. an all-hazards emergency operations plan organized around five (5) mission areas: prevention, protection, mitigation, response, and recovery;

The plan shall be consistent with the National Incident Management System ("NIMS") principles.

3. the access and functional needs of the students, teachers, and staff;
4. education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual;
5. procedures for notifying law enforcement, fire, EMS, emergency management, mental health providers, public health officials, and other outside experts who could assist in responding to and recovering from an emergency;
6. a threat assessment plan developed as prescribed by Ohio Revised Code Section 5502.263, including a protocol for school threat assessment teams established pursuant to Ohio Revised Code Section 3313.669; **[DRAFTING NOTE: A building may use the model policy and protocol developed by the Department of Public Safety.]**

The plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan. The areas of improvement identified in the emergency management test and actual emergencies at the school buildings will be a source for lessons learned.

7. ~~() the use of temporary door locking devices as permitted by and in accordance with law () (i.e., they must be approved by the Principal and noted on the certificate of occupancy for the school building, which is subject to the criteria set forth in O.A.C. 4501:5-1-01(B)(1)(d)) [END OF OPTION].law.~~

B. A floor plan unique to each floor of the building.

C. A site plan that includes all building property and surrounding property.

D. An emergency contact information sheet.

E. Stakeholder signatures.

F. Proof of completion of an approved threat assessment training program for each member of the building's threat assessment team.

The Superintendent shall submit an electronic copy of each building's EMP to the Director of Public Safety not less than once every three (3) years, whenever a major modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. The Superintendent shall also file a copy of the current, updated EMP with the following:

A. each law enforcement agency that has jurisdiction over the school building; and

B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the building is located.

The Superintendent will also file copies of updated EMPs with the Director of Public Safety and the above agencies within ten (10) calendar days after adoption of the revised EMPs.

The Center's EMPs are security records and not public records. The Superintendent shall keep a copy of the Center's EMPs in a secure location.

The Superintendent shall annually review the Center's previously developed and adopted EMPs and certify that the plan, emergency contact information sheet, floor plan, and site plan are current and accurate. The certification shall be completed through the School Safety Plan Portal between January 1 and July 1 of each year.

The Superintendent shall prepare and conduct at least one (1) emergency management test each year during the three (3) year annual review cycle, in accordance with rules adopted pursuant to Ohio Revised Code Section 5502.262(F). The Emergency Management tests must meet the following requirements: (1) be a scheduled event at least two (2) of the years; one (1) actual emergency may be used during the three (3) year plan cycle if an after-action report is produced with the involvement of stakeholders (i.e., at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider and public health official); (2) the type of test shall be a tabletop, functional or full-scale, as defined in O.A.C. 4501:5-1, and each type shall be used once every three (3) years; and (3) the test must include at least one (1) hazard from the hazard analysis identified in the emergency operations plan and at least one (1) functional content area. The test should include at least one (1) representative from law enforcement, fire, EMA, EMS, and a mental health provider, and a public health official.

~~{SELECT OPTION #1 OR OPTION #2}~~

~~{ } {OPTION #1}~~

~~Students will not participate in the emergency management test.~~

~~{END OF OPTION #1}~~

☒ {OPTION #2}

Students may participate in the emergency management test at the discretion of the Principal. In deciding whether, and to what extent, to involve students in an emergency management test, the Superintendent and Principal should consider what benefit student inclusion in the emergency management test may have on the student population's preparation for an emergency and to enhance the safety of students in the building. The Principal should also consider age-appropriate participation, guidance, trauma-informed best practice, and training in preparation for students' participation in the test.

~~{END OF OPTION #2}~~

~~{END OF OPTIONS}~~

~~{DRAFTING NOTE: If OPTION #2 is selected, it is strongly advised that the Center select the following optional language, which is only listed as an option because O.A.C 4501:5-1 does not make it mandatory—however, it does state schools should obtain parental consent if students are going to participate in the emergency management test.}~~

~~{ } Parental consent is required prior to student participation in the emergency management test. {END OF OPTION}~~

The Superintendent shall submit an after-action report to the Department of Public Safety no later than thirty (30) days after the emergency management test documenting the following: 1) date/time/weather/length of exercise; 2) the type of discussion/operations based exercise; 3) the scenario utilized; 4) the hazard(s) utilized (including providing safety data sheets, as appropriate); 5) the functional content area(s) utilized; and 6) identification of at least three (3) strengths and at least three (3) improvement areas of the EMP discovered as a result of the emergency management test. The after-action report shall be submitted on standardized forms developed and made available by the Department of Public Safety.

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

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent/legal guardian of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety. Any student that enrolls in the school after the annual notification, along with their parent/legal guardian, shall be provided with the requisite notification upon enrollment. ~~enrolled in the school after the annual notification, and their parent/legal guardian, shall be notified upon enrollment.~~ Also, see Policy 8420 - Emergency Situations at Schools.

The Center shall include the 988 Suicide and Crisis Lifeline telephone number on all of the following (if provided or used by the school):

- A. Student identification cards;
- B. Planners issued to students; and

C. Any electronic portal administered by the Center or school that may be accessed by students.

Threat Assessment

Behavioral threat assessment is a fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations. The threat assessment process shall be embedded within a comprehensive, multitiered system of supports ("MTSS") that involves interdisciplinary, collaborative partnerships focusing on prevention. The Center will use a behavioral threat assessment model, including threat assessment teams, to address in a proactive manner the prevention of targeted violence by identifying areas of concern, gathering information, assessing the likelihood of violence, initiating appropriate interventions and violence mitigation strategies, and provide ongoing evaluation to increase positive outcomes for individuals and enhance overall school safety. The aim of the process is to emphasize the provision of interventions and supports, and not just punishment. Ultimately, the primary purpose of a threat assessment is to address concerning behavior (including prohibited behaviors), respond to concerning communications, and minimize the risk of targeted violence at school.

As dictated by the Safety and Violence Education Students ("SAVE Students") Act, the Center will use a multidisciplinary decision-making process to conduct threat assessments and develop and implement interventions for students whose behavior indicates they may pose a risk of harm to the school community and/or themselves (see Policy 5350 - Student Health, Well-Being, and Suicide Prevention). Specifically, the Board directs the Superintendent to create a threat assessment team for each school building in the Center serving grades six (6) through twelve (12). Each team shall be multidisciplinary, when possible; the Principal will ordinarily serve as the team's leader and the team may include school administrators, mental health professionals (e.g., school psychologists, school counselors, social workers), school resource officers (where appropriate), and other relevant personnel (e.g., instructional staff). Each member of a threat assessment team is required to complete an approved threat assessment training program upon appointment and once every three (3) years thereafter. As noted above, the Center shall include proof of completion of the approved training by each team member in the EMPs and annual certifications submitted to the Director of Public Safety. Per State law, threat assessment team members are not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a team member's execution of duties related to school safety unless the team member's act or omission constitutes willful or wanton misconduct.

The Ohio School Safety Center ("OSSC"), which is part of the Ohio Department of Public Safety, has developed the Ohio School Behavioral Threat Assessment Model Policy and Protocol: A Guide for School Personnel and Law Enforcement. This protocol, or an alternative evidence-based behavioral threat assessment model, shall serve as the foundation of the Center's efforts to identify students of concern so that their behaviors can be mitigated to the point that they no longer pose a threat.

The following individuals may be subject to a behavioral threat assessment:

- A. Students: current, former, and prospective
- B. Employees: current, former, and prospective
- C. Parents/guardians of students/non-custodial parents or relatives
- D. Persons who are (or have been) in a relationship with faculty, staff, or students
- E. Contractors, vendors, or other visitors
- F. Unaffiliated persons

Research shows that individuals who plan to commit violent acts against schools often share their plans with someone. Consequently, the Center ~~will~~ **[DRAFTING NOTE: Select one (1) of the following options]**

~~()~~ **[X]** has registered with the SaferOH tip line operated by the Department of Public Safety to facilitate the receipt of anonymous reports of concerning behavior and/or communications. **[END OF OPTION]**

[OR]

~~()~~ has entered into an agreement with an anonymous reporting program that meets the following requirements:

- A. ~~operates twenty four (24) hours per day, seven (7) days per week;~~
- B. ~~forwards reported information to and coordinates with the appropriate school threat assessment teams and law enforcement and public safety agencies as required under the Center's EMPs;~~

- ~~C. will be promoted in each Center school to inform students about the reporting program and its reporting methods; and~~
- ~~D. complies with Ohio Revised Code Sections 149.433 and 3319.321 and the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.~~

~~[END OF OPTION] [DRAFTING NOTE: If the Center enters into an agreement with an anonymous reporting program provider, it must specify in the agreement that the provider must annually submit a report to the Department of Public Safety and the Department of Education and Workforce identifying the number of anonymous reports made through the reporting program and the method by which they were received, disaggregated by school.]~~

~~[END OF OPTIONS]~~

The Superintendent shall comply with all reporting requirements set forth in R.C. 3313.669 related to the Center's ☒ participation in the SaferOH tip line ~~() use of an anonymous reporting program [END OF OPTIONS]~~.

~~[] The Board authorizes the Superintendent to determine whether to designate a student led violence prevention club for each school building in the Center serving grades six (6) through twelve (12). If a student led violence club is established in a building, it shall (1) be open to all members of the student body; (2) have at least one (1) identified adult advisor; (3) implement and sustain suicide and violence prevention and social inclusion training and awareness activities in a manner consistent with R.C. 3301.221; and (4) foster opportunities for student leadership development. [END OF OPTION]~~

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Team will meet when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of self-harm or violence to others. If an inquiry indicates that there is a risk of self-harm or violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat.

The Board authorizes the Superintendent to create guidelines for the purpose of:

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment, including the threshold for law enforcement;
- D. establishing assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who are responsible for gathering and investigating information;
- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation;
- H. identifying risk management options (e.g., interventions and supports, and the imposition of disciplinary consequences, as appropriate) to enact once an assessment is complete, including creating an individualized management plan to mitigate identified risks;
- I. creating and promoting a safe school climate built on a culture of safety, respect, trust, and emotional support, and one that encourages communication and empowers students to share their concerns;
- J. providing training for all stakeholders, including school personnel, students, parents, and law enforcement (as applicable).

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 - Student Records, and State and Federal law.

Safe and Drug-Free Schools

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing Safe and Drug-Free Schools):

- A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;
- B. security procedures at school and while students are on the way to and from school;
- C. prevention activities that are designed to maintain safe, disciplined, and drug-free environments;
- D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
 - 1. allows a teacher to communicate effectively to all students in the class;
 - 2. allows all students in the class the opportunity to learn;
 - 3. has consequences that are fair and developmentally appropriate;
 - 4. considers the student and the circumstances of the situation; and
 - 5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that State and Federal law require that the Center report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education and Workforce will then use this data to determine whether or not a school is considered persistently dangerous as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall ~~{CHOOSE ONE (1) OF THE FOLLOWING OPTIONS}~~

☒ discuss this at the annual meeting for the purpose of reviewing the EMP so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year. **[END OF OPTION]**

~~{ } convene a meeting of the building administrator, representative(s) of the local law enforcement { } agency { } agencies **[END OF INTERNAL OPTIONS]**, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year. **[END OF OPTION]**~~

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

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall ~~{CHOOSE ONE (1) OF THE FOLLOWING OPTIONS}~~

☒ discuss the school's designation as a persistently dangerous school at the annual meeting for the purpose of reviewing the EMP so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year. ~~{END OF OPTION}~~

~~{ } convene a meeting of the building administrator, representative(s) of the local law enforcement { } agency { } agencies {END OF INTERNAL OPTIONS}, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year. {END OF OPTION}~~

~~{END OF OPTIONS}~~

☒ If a school in a neighboring district is identified as persistently dangerous and there is not another school in that district, the Center will admit students from that school in accordance with Board Policy 5113.02. ~~{END OF OPTION}~~

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

A.C. 4501:5-1-01

R.C. 9.65, 149.433

R.C. 3313.669, 3313.6610, 3313.6611, 5502.262, 5502.263

20 U.S.C. 6301 et seq.

Ohio Department of Public Safety - Model Threat Assessment Plan

Public Law 107-110

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended

Ohio Department of Public Safety – Ohio School Behavioral Threat Assessment Model Plan: A Guide for School Personnel and Law Enforcement Officers

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A.C. 4501:5-1-01

R.C. 9.65, 149.433

R.C. 3313.669, 3313.6610, 3313.6611, 5502.262, 5502.263

20 U.S.C. 6301 et seq.

Ohio Department of Public Safety - Model Threat Assessment Plan

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Ohio Department of Public Safety Ohio School Behavioral Threat Assessment Model Plan: A Guide for School Personnel and Law Enforcement Officers

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Revised Policy - Vol. 44, No. 1

8462 - STUDENT ABUSE AND NEGLECT

The Governing Board is concerned with the physical and mental well-being of the students of this Educational Service Center ("Center") and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with their position, knows or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or local law enforcement agency. Such reporting is required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

[X] The Board official and employee making the report shall also notify the appropriate administrator according to the Center's Reporting Procedure for Student Abuse or Neglect. ~~(-) and shall secure prompt medical attention to any such injuries reported [END OF OPTION]. END OF OPTIONAL SENTENCE~~

Each Principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent. Board officials and employees must report suspected abuse to a public children's services or local law enforcement agency, even when the suspected abuser is another official or employee.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6, and also will provide developmentally appropriate instruction in child sexual abuse prevention to all students in grades K-6 ~~(-) annually [END OF OPTION]~~. Instruction for students in grades seven (7) through twelve (12) will include developmentally appropriate instruction in sexual violence prevention education. The parents/guardians of students who receive instruction related to dating violence prevention and sexual violence prevention will be notified that it is required curriculum, that they may examine the instructional materials upon request, and that a student may be excused from the instruction at the parent's/guardian's written request.

In addition, the Superintendent shall provide a program of in-service education for all nurses, teachers, counselors, school psychologists, mental health providers, and administrators who work in the Center's elementary, middle, and high schools and any other personnel that the Board determines appropriate. The in-service education program will include school safety; violence prevention, including human trafficking content; youth suicide awareness and prevention; prevention of child abuse, **child sexual abuse**, substance abuse; promotion of positive youth development; and a review of Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior. ~~The program shall include training on child sexual abuse prevention presented by law enforcement officers or prosecutors who have experience in handling cases involving child sexual abuse or child sexual violence.~~

~~The Board shall adopt or develop curriculum in consultation with public or private agencies or persons involved with youth suicide awareness and prevention and child sexual abuse prevention or child sexual violence prevention. The Board shall adopt or adapt an evidence-based awareness and prevention curriculum developed in consultation with public or private agencies or persons involved in child sexual abuse prevention or child sexual violence prevention approved by the Ohio Department of Education (ODE), or alternatively will utilize a suicide awareness and prevention curriculum that has been developed in consultation with public or private agencies/persons involved in youth suicide awareness and prevention and that has been approved by the ODE.~~

The in-service education provided to middle and high school employees shall include training in the prevention of dating violence.

All newly-employed mental health providers, nurses, teachers, counselors, school psychologists, and administrators who work in the Center's elementary, middle, and high schools shall complete at least four (4) hours of in-service training within two (2) years of the date of employment.

Additional training must occur every two (2) years thereafter for suicide awareness and prevention, and every five (5) years thereafter for school safety, violence prevention, prevention of child abuse, prevention of substance abuse, and promotion of positive youth development.

The Center shall be registered with the SaferOH tip line operated by the Department of Public Safety or shall enter into an agreement with an anonymous reporting program selected by the Board that meets the requirements set forth in law (R.C. 3313.6610).

The Center shall submit data to the Ohio Department of Education ~~and Workforce ("DEW") ("ODE")~~, in a manner prescribed by the Department, and to the Department of Public Safety at the end of the first full school year of the Center's participation in the anonymous reporting program, and at the end of each school year thereafter, disaggregated by the school.

The data shall be considered records and are not public records under R.C. 149.433.

The Superintendent will promote and inform students about the selected program and its reporting methods.

A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.

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Legal R.C. 149.433, 2151.421, 3313.60, 3313.6610, 3319.073, 3319.321
20 U.S.C. 1232g

Book	Policy Manual
Section	Vol. 44, No. 1 - August 2025 CO
Title	Vol. 44, No. 1 - August 2025 Revised TRANSPORTATION FOR NON-ROUTINE TRIPS
Code	po8640
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Revised Policy — Vol. 44, No. 1

~~8640 — TRANSPORTATION FOR NON-ROUTINE TRIPS~~

~~The Governing Board shall use school buses and/or vehicles other than school buses (e.g., vans) for transportation of passengers for purposes other than regularly scheduled routes to and from school (e.g., on field trips and other Center-sponsored trips).~~

~~The transportation for all field trips and other Center-sponsored trips is to be by vehicles owned or approved by the Educational Service Center ("Center") and driven by approved drivers. Exceptions must have the approval of the Superintendent.~~

~~[] The Board shall assume transportation costs for () all field trips () a certain number of approved field trips as specified in the Superintendent's administrative guidelines [END OF OPTIONS]. [END OF OPTION]~~

~~[] The Board shall also assume the transportation costs for all other trips, including co-curricular, athletic, and other extracurricular trips. [END OF OPTION]~~

~~[] The Board shall assume the vehicle cost for all other trips, including co-curricular, athletic, and other extracurricular trips, but the cost of the driver shall be paid () by the sponsoring organization () from the designated fund [END OF OPTIONS]. [END OF OPTION]~~

~~[] The Board shall provide the vehicles for all other trips, including co-curricular, athletic, and other extracurricular trips, but a mileage charge and personnel charge shall be assessed to cover the cost of the driver and fuel. This charge is to be paid () by the sponsoring organization () from a designated fund [END OF OPTIONS]. [END OF OPTION]~~

~~[] Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes. [END OF OPTION]~~

~~[] All field trips shall be supervised by members of the staff. All other Center-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle, as well as to supervise students upon return to the Center and while they are waiting for rides home. [END OF OPTION]~~

~~[] Students may be permitted to eat and/or drink on the bus for non-routine trips during which the students on the bus are supervised by a chaperone(s). [END OF OPTION]~~

~~[] All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception. [END OF OPTION]~~

~~[] Center students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle () without prior approval of the Principal [END OF OPTION]. [END OF OPTION]~~

~~[] No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis, provided the student's parent(s) provides written authorization and release from liability using Form 5515-F2—Parental Authorization and Release From Liability Form () and does not transport any other student. () and does not transport any other student~~

~~without the parent(s) of the student to be transported in such vehicle providing written authorization and release from liability using Form 5515 F2—Parental Authorization and Release From Liability Form. In addition, the parent(s) of the approved student driver must provide written authorization for the student to transport others and release from liability using Form 5515 F2—Parental Authorization and Release From Liability Form. [END OF OPTIONS] [END OF OPTION]~~

~~The Superintendent shall prepare administrative guidelines consistent with this policy.~~

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Legal

A.C. 3301-83-16

R.C. 3327.08, 3327.13, 3327.14, 3327.013

Cross References

po8600 - TRANSPORTATION

po8600.04 - BUS DRIVER CERTIFICATION

po8650 - TRANSPORTATION BY VEHICLES OTHER THAN SCHOOL BUSES

po8660 - INCIDENTAL TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE