

**GARFIELD HEIGHTS BOARD OF EDUCATION
GARFIELD HEIGHTS, OHIO**

**RECORD OF PROCEEDINGS
Minutes – Regular Board Meeting
September 20, 2010**

The Board of Education of the Garfield Heights City School District met in Regular session on Monday, September 20, 2010, at William Foster Elementary School at 6:30 p.m. with Mr. Robert A. Dobies, Sr., President of the Board, presiding.

ROLL CALL

Present : Mr. Dobies, Mrs. Kitson, Mrs. Geraci, Mr. Juby, Mr. Wolske
Absent: None

MOMENT OF SILENT REFLECTION & PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

Moved by Mr. Juby, seconded by Mr. Wolske to adopt agenda as presented.

Ayes: Juby, Wolske, Geraci, Kitson, Dobies
Nays: None

READING AND APPROVAL OF MINUTES

Moved by Mr. Juby, seconded by Mrs. Kitson to approve the minutes of Regular Board Meeting of August 18, 2010.

Ayes: Juby, Kitson, Geraci, Wolske, Dobies
Nays: None

BOARD PRESIDENT'S REPORT

Mr. Dobies wished everyone a good evening and welcomed all in attendance to William Foster and hoped everyone had an enjoyable summer.

I would like to remind those in attendance that if you wish to speak in front of the Board, you must sign in. You have the opportunity to speak on agenda items prior to the Board taking action on the matters at hand. You also have the opportunity to make remarks on non-agenda items at the end of business matters. In both cases, you will be allotted three minutes to make your presentation. Thank you.

As your Board, we want to say thank you to all our students, parents and staff for making our school year opening successful. We understood with all the construction going on coming into this year that we had a lot of work to make a smooth transition coming into the school year. I believe we accomplished this by taking measures to ensure safety and to accommodate new traffic patterns for Maple Leaf, Elmwood and the Middle School. We look forward to another promising year. Again, thank you for your patience and understanding.

As reported in our Open Line news publication, the Board will be rotating the regular Board meetings to all of our buildings to better accommodate our families and to help promote participation.

During this evening's meeting, we will hear updates from Mr. Jeff Henderson of TDA (ThenDesign) and Mr. Pete Devine from PCS on our building projects.

Mrs. Chamberlin will welcome new staff to the district.

We will have an update from Mrs. Powers on William Foster.

Along with approving the financials for August, under item #2 we will be asked to approve the estimated revenue/permanent appropriation measure which is required annually and by law to show we will not be spending more than what our resources provide. I'm sure Mr. Sluka will be speaking on this matter. Mr. Sluka will also give a brief overview on agenda item #10, which is the energy savings program we have entered into with Energy Education.

I hope everyone enjoyed the new Open Line newsletter that just came out. There is a wealth of information provided.

If I may, one of the items that are covered within the publication is construction at our Maple Leaf and Elmwood Schools. An overview is presented of what is being done for the \$19 million through funding from the Ohio Schools Facilities Commission and zero cost to the district. I bring this up because for some time now I get phone calls, asked, or it's culminated through the various grapevines out there that if this school board is doing all this renovating they do not need new monies.

First of all, these projects we are into today were comprised from the benefit of the bond issue passed in 2000 by our community. As a district we have benefited through this venture because of a match of funds from the OSFC (Ohio Schools Facilities Commission). Our district accomplished this by passing that initial bond issue of \$51 million which started and completed the work on the new High School, William Foster, and the Performing Arts Center which we enjoy today. This money, the states share \$19 million, continues to work for us and has become the blessing we are receiving today with our upgrades. We all know that this work has benefitted our district and with the works in progress continues to make our district beneficial to our student body and the community on a whole.

This leads me to say the need of new monies ("a levy") is crucial to the district. If you have reviewed the five year forecast you will see that the picture doesn't get brighter as we moved through 2014, so for those who surmise we do not need additional funding for the future because we are upgrading our buildings, may have not

completely reviewed the facts. We have made difficult decisions and cuts over the last four years to have this district remain solvent and the best it can be with funding provided.

Since I have become Board President, through our monthly meetings, I have reminded everyone the task of finding new moneys to supplement the district's needs remains high priority and the Board would move forward as to recognizing those needs and doing what is necessary to ensure a fiscal sound district while providing highest education opportunities which we can remain proud.

The Board acted unanimously on August 3, 2010 during a special meeting to place an \$8.9 million per year over five years. The decision was made based on the district's forecast and needs. Never once did this administration or board refute the need of additional funding even with moving forward with budget recovery methods, (or just plain and simple), "cuts" that have been implemented over the past four years.

Again if we are to go forward, it is imperative that we move in a direction of helping ourselves; because at this time no one else is going to do it. What we need as a district is a continued understanding and support of everyone through demanding times. We can only move forward as a "team effort".

Thank you for your understanding. That concludes my report.

COMMITTEE REPORTS

Cuyahoga Valley Career Center – Mrs. Geraci – In service and new hires information available. CVCC has course offerings for adult education courses for the community. Member districts of CVCC receive discounts for courses. The superintendent at CVCC will be retiring in June 2011.

Curriculum & Instruction – Mrs. Kitson – Will be attending a workshop on 21st Century Learning and will share this information with members of the Board upon her return.

Student Activities – Mr. Juby – Honored the co-players of the week, including Emily Kosuda.

Legislative Liaison – Mr. Wolske – No Report

City Liaison – Mr. Dobies – No Report

Parent Involvement – Mrs. Kitson – Thanked Linda Reid and Al Sluka for attending PTA meetings to give them an update on what is happening in the district.

Community Liaison to Faith Based Initiatives – Mr. Wolske – No report

PRESENTATION

Mr. Jeff Henderson of TDA, Inc. and Mr. Pete Devine of PCS were present to update the Board and public on Elmwood and Maple Leaf OSFC projects. Projects are on time and on budget

RECOGNITIONS/COMMENDATIONS

None

SUPERINTENDENT'S REPORT

Mrs. Reid presented information on the State Report Card.

Mr. Sluka updated the Board on the Energy Education Program and the specialist position.
Mrs. Powers gave the Board a Power Point presentation on what is happening at William Foster.

REMARKS FROM THE PUBLIC REGARDING AGENDA ITEMS

None

REPORTS AND RECOMMENDATIONS OF THE TREASURER

Moved by Mr. Juby, and seconded by Mr. Wolske to approve the financials for August 2010, as presented in Exhibit "A"

Ayes: Juby, Wolske, Geraci, Kitson, Dobies

Nays: None

Moved by Mr. Juby, seconded by Mr. Wolske to approve Resolution No. 2010-041, a resolution adopting the 2010-2011 Estimated Revenues/Permanent Appropriation Measure (Budget for the period July 1, 2010 through June 30, 2011), as presented in Exhibit "B"

Ayes: Juby, Wolske, Geraci, Kitson, Dobies

Nays: None

RECOMMENDATIONS OF THE BOARD OF EDUCATION

RECOMMENDATIONS OF THE SUPERINTENDENT TO THE BOARD

PERSONNEL:

Moved by Mrs. Geraci, seconded by Mr. Juby to approve classified and qualified staff for the 2010-2011 school year:

<u>Name</u>	<u>Position</u>	<u>Building</u>	<u>Experience</u>	
Michael Braddock	Housekeeper (1D)	ML	1	(Due to resignation)
Jeanne Bernstein	Cafeteria (1C)	MS	0	(Due to resignation)
Jennifer Stroh	Cafeteria (1C)	Elm	1	(Due to resignation)
Tina Holt	Bus Driver (4E)	Bus Garage	0	(Due to resignation)
Tim Cohn	Intervention Manager	High School	1	(Stimulus funded Position)

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve teachers for the 2010-2011 school year:

<u>Name</u>	<u>Position</u>	<u>Exp.</u>	<u>Step</u>	<u>Degree</u>
Erin Mohat (Due to resignation)	Psychologist – EW (75days/year)	1	2	M+30
Mindy Dible (Due to resignation)	Psychologist – ML (75 days/year)	4	5	M+30

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve year-long academic and student activities supplemental appointments for the 2010-2011 school year as follows:

<u>Name</u>	<u>Supplemental Position</u>	
Marcia Unger	Memory Book Advisor – MS	(Not previously filled)
Jeffrey Cunningham	Academic Team Coach – HS	(Not previously filled)
Doug Sommers	Mentor – HS	(Not previously filled)
Denise Ali	Cheerleading Coach – MS	(Not previously filled)
Heather Graham	Science Curriculum Leader – EW	(Due to resignation)
Lee Ellis	7 th Grade Football Coach – MS	(Due to resignation)

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve the Leave of Absences, as presented in Exhibit “C”.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve to accept the resignation of Phyllis Cash, General Cafeteria, worker at Elmwood effective August 18, 2010.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to accept the supplemental resignation of Carla Dunbrook, Science Curriculum Leader, at Elmwood effective immediately.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to accept the retirement resignation of Carole Robakowski, Middle School Housekeeper, effective September 1, 2010.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve George Hasenohrl, High School Science teacher, as the Energy Education Specialist as a supplemental position with a yearly stipend.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to accept the resignation Jeffrey Ginn, 7th Grade Football Coach, effective August 31, 2010.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve the following certified teachers to serve in a rotating basis for Home Instruction Tutoring during the 2010-2011 school year. The hourly rate is defined in the Negotiated Agreement and will not exceed five hours per week per student:

Melanie Huggins

Ann McDevitt

Dawn Majors

Amy Tomon

Darrell Copeland

Laura Bartlett

Stephanie Markley

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve the classified substitutes for the 2010-2011 school year as follows;

<u>Name</u>	<u>Area</u>
Patricia Murphy	Cafeteria
Sonia Holovach	Housekeeping/Cafeteria
Jane Lawry	Cafeteria/Building Secretary/Clerical
Deborah Michaelis	Building Assistant (1B)
Yvonne Seamon	Housekeeping
Michelle Hadden	Housekeeping
Alicia Byers	Housekeeping/Cafeteria
Renee Ritter	Cafeteria/Building Assistant (1B)/Instructional Assistant (2B)/ Special Education Attendant (3B)
Sue Butvin	Building Assistant (1B)/Instructional Assistant (2B)/Special Education Attendant (3B)/Building Secretary/Clerical

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve the Winter Supplemental Pay to Participate positions for the 2010-2011 school year as follows:

<u>Basketball</u>	<u>Wrestling</u>
Varsity Assistant	Assistant High School
Assistant Boys – HS (JV)	Assistant High School
Girls' Assistant (JV)	Middle School Head Coach
Middle School 7/8 Grade Boys	Middle School Assistant Coach
Middle School 7/8 Grade Girls	

Cheerleading Supervisors

High School Assistant – Winter

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

Moved by Mrs. Geraci, seconded by Mr. Juby to approve the appointment of Heather Butzer as the LPDC representative in place of Elisabetta D'Amico for the 2010-2011 school year as elected by the GHATA.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None

POLICY

Moved by Mrs. Geraci, seconded by Mr. Wolske to approve the Board Policy updates for adoption, as presented in Exhibit "D".

Ayes: Geraci, Wolske, Juby, Kitson, Dobies
Nays: None

CONTRACTS:

Moved by Mr. Juby, seconded by Mrs. Geraci to approve a contract with Bellefaire Jewish Children's Bureau (Bellefaire JCB) for providing educational services to a Garfield Heights student at Monarch School for the 2010-2011 school year.

Ayes: Juby, Geraci, Kitson, Wolske, Dobies
Nays: None

Moved by Mr. Juby, seconded by Mrs. Geraci to approve the contract between the Garfield Heights City Schools and Gayle Takacs to provide special education consultant services for the district during the 2010-2011 school year, subsidized by IDEA-B funds

Ayes: Ayes: Geraci, Juby, Kitson, Wolske, Dobies
Nays: None

Moved by Mr. Juby, seconded by Mrs. Geraci to approve the agreement between the Garfield Heights city Schools and the Cleveland Sight Center to provide an educational placement for a preschool student on an Individualized Education Program for the 2010-2011 school year.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies
Nays: None

Moved by Mr. Juby, seconded by Mrs. Geraci to approve an amended Service Agreement between the Garfield Heights City Schools and PSI Affiliates, Inc. for non-public services for the 2010-2011 school year.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies
Nays: None

RENTALS & FACILITY USAGES

None

MISCELLANEOUS

Moved by Mrs. Geraci, seconded by Mrs. Kitson to approve the Memorandum of Agreement with Baldwin Wallace College, to allow teacher education students in district classrooms during the 2010-2011 school years to participate in student teaching and other field-based teacher education experiences following the rules of the Ohio State Board of Education.

Ayes: Geraci, Kitson, Juby, Wolske, Dobies

Nays: None

REMARKS FROM THE PUBLIC REGARDING MISCELLANEOUS SCHOOL ITEMS

None

ANNOUNCEMENT OF NEXT BOARD MEETING

Board of Education Regular Meeting – 6:30 p.m.

Monday, October 18, 2010

Elmwood Elementary School

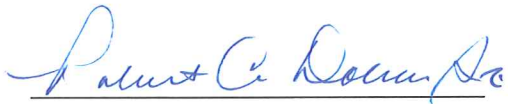
5275 Turney Road

Garfield Heights, Ohio 44125

Moved by Mrs. Geraci, seconded by Mr. Juby to adjourn the meeting at 7:36 p.m.

Ayes: Geraci, Juby, Kitson, Wolske, Dobies

Nays: None



President



Treasurer

For monthly financial (Exhibit A) and budgetary information (Exhibit B) from this meeting, please check our website under the Center for Finance.

Employee Leave of Absence

BOE: 9/20/10

Exhibit "C"

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Name	Building	Leave Begin	Leave End	Reason
Joyce Abramovich	St. Monica School	8/28/2010	01/06/11	Maternity/FMLA
Kenneth Buckley	William Foster	08/25/10	09/30/10	Medical LOA/FMLA
Linhart, Ellen	High School	10/8,11,12/10	10/14/10	Unpaid LOA
Magers, Jodi	William Foster	11/15/10	03/14/11	Maternity LOA/FMLA
Maryann Jarzembak	Middle School	08/25/10	10/01/10	Medical LOA/FMLA
Patricia Dober	High School	8/23/2010	09/17/10	Medical LOA/FMLA
Stochl, Judy	Middle School	9/8/2010	12/01/10	Medical LOA/FMLA

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ADMINISTRATION
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REVISED POLICY – VOLUME 28, NO. 1

TERMINATION AND RESIGNATION

Termination

The employment contract of an administrator may be suspended and/or terminated, upon a majority vote of the Board of Education, for gross inefficiency, immorality, willful and persistent violation of Board policy or District guidelines, and other good and just cause including disclosing a question to a student on a State-mandated test **assessment**. In such cases, the Board shall abide by due process, statutory procedures, and any applicable terms of the administrator's employment contract.

Resignation

An administrator may resign in accordance with law and any applicable terms of his/her employment contract.

Reporting Professional Misconduct

Consistent with Policy 8141 and State law, the Board and/or the Superintendent will file a report to the Ohio Department of Education, on forms provided by the Department for that purpose, matters of professional misconduct on the part of licensed professional administrators, including a conviction of the administrator of certain enumerated crimes and/or conduct which is determined to be unbecoming to the teaching profession. Reports of any investigation regarding whether or not a licensed professional administrator has committed an act or offense for which the Board is required to make a report to the Ohio Department of Education shall be kept in the personnel file of the administrator. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that licensed professional staff administrator's license or permit, the report(s) of any investigation will be moved to a separate public file.

R.C. 3319.02, 3319.15, 3319.151, 3319.16, 3319.161, 3319.31, 3319.313, 3319.39
A.C. 3301-73-21

Adopted 1/14/08

policy

**BOARD OF EDUCATION
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REVISED POLICY - VOLUME 28, NO. 2

**SECTION 504/ADA
PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

As used in this policy and the implementing administrative guidelines, "an individual with a disability" means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, **eating, sleeping, standing, lifting, bending**, speaking, breathing, learning, **reading, concentrating, thinking, communicating**, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially interferes with a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavior or adaptive neurological modifications.

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With respect to employment, a qualified person with a disability means a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

~~Joan Chamberlin, Assistant Superintendent~~ **The Superintendent/Designee** is the District's Section 504 Compliance Officer/ADA Coordinator ("**District** Compliance Officer"). The **District** Compliance Officer is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act ("ADA"). A copy of the Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, including copies of their implementing regulations, may be obtained from the **District** Compliance Officer. The **District** Compliance Officer can be reached at:

5640 Briarcliff Drive
(216) 475-8100
(216) 475-1824
jmchamberlin@garfield-heights.k12.oh.us

The **District** Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted **internal complaint**-grievance procedure, and will attempt to resolve **such complaints**. ~~the grievances.~~

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The **District** Compliance Officer will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

Employment Practices

Discrimination Prohibited

In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the District's programs or activities. Further, the Board will take positive steps to employ and advance in employment qualified individuals with disabilities. The Board will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Reasonable Accommodation

The Board will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

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For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, The-the District is committed to operating its programs and activities so that they are readily accessible to person-persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities. The District will meet its obligation through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities. ~~The Board recognizes and acknowledges that students may be disabled and eligible for services under Section 504 even though they do not qualify for or require special education and/or related services pursuant the IDEIA. Students eligible for services under the IDEIA will be served under existing special education programs.~~

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education, may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). ~~his/her learning, but does not require specially designed instruction to benefit educationally, the student will be eligible for reasonable, but more than standard, accommodations and/or modifications of the regular classroom or curriculum in order to have the same access to an education as students without disabilities. Such accommodations and/or modifications will be provided pursuant to a Section 504 Accommodation Plan (Form 2260.01A F13).~~

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~~If a student has a physical or mental impairment, but it does not significantly limit his/her learning, the student will not be entitled to a Section 504 Accommodation Plan, but s/he may still be eligible for a "Classroom Accommodation/Checklist" (Form 2260.01A-F14).~~

Parent(s)/guardian(s)/custodian(s) ("parents") are invited and encouraged to participate fully in the evaluation process. If the parents disagree with the determination made by the District's professional staff, they may **file an internal complaint**, request a hearing with an impartial hearing officer, **or file a complaint with the Office of Civil Rights.**

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. ~~to the needs of the person with disabilities.~~ Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment **even** with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate. ~~to the needs of the person with a disability in question.~~

Notice of the Board's policy on nondiscrimination in employment and education practices and the identity of the District's ~~Section 504/ADA Compliance~~ Officer will be posted throughout the District, and published in the District's recruitment statements or general information publications.

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The Board directs the Superintendent to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities **in accordance with** ~~who qualify for~~ accommodations under Section 504.

The Board will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary and appropriate.

The Board will ~~adopt~~ **utilize** a system of procedural safeguards that will provide for prompt and equitable resolution of complaints alleging violations of Section 504/ADA. Due process rights of students with disabilities and their parents under Section 504 will be enforced.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,

34 C.F.R. Part 104

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

Adopted 06/24/08

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REVISED POLICY - VOLUME 28, NO. 1

SPECIAL EDUCATION

The Board of Education, is committed to the ~~provision of~~ **providing** a free, appropriate, public education ~~for~~ **to** children with disabilities identified in accordance with applicable State and Federal laws, rules, and regulations.

In ~~keeping with~~ **order to satisfy** the requirements of the Ohio Department of Education ~~for compliance with the~~ *Operating Standards for Ohio Schools Educational Agencies Serving Children with Disabilities* ("**Ohio Operating Standards**"), the Board of Education ~~has selected the~~ **adopts the model policies and procedures promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA"), the regulations implementing the IDEIA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.** ~~narrative version of the Model Procedures for the Education of Children with Disabilities, which is incorporated by reference into this policy.~~

Copies of ~~these~~ **Model Policies and Procedures** are available at the office of the Board of Education.

R.C. 3323.05, 3323.051, 3323.08
A.C. 3301-51-01 et seq., 3301-51-02(F)
~~20 USC 1401 et seq.~~
~~IDEA, IDEIA, 20 U.S.C. 1400 et seq.~~
34 C.F.R. Part 300

policy

**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

**PROFESSIONAL STAFF
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REVISED POLICY – VOLUME 28, NO. 1

CRIMINAL HISTORY RECORD CHECK

In accordance with State law, the Board of Education requires a criminal background check of each applicant the Superintendent recommends for employment on the District's professional staff as well as for current employees on a periodic basis. This requirement includes all substitutes and persons employed on a part-time basis such as coaches or activity supervisors. In addition, all professional staff members with a license, certificate, or permit issued by the Ohio Department of Education must undergo a criminal background check **as prescribed by law.** ~~at the time of the renewal of same or, in the case of a permanent teaching certificate, no less than every five (5) years on or before September 5th of the fifth year.~~ Such background check is not otherwise required of any currently-employed staff member who is a candidate for another position within the District.

The Superintendent shall establish administrative guidelines which will require a records check that complies with the law ~~and ensures that, at the time of the initial application, upon renewal of a professional teaching certificate, license, or permit, and, for professional staff members with permanent teaching certificates not later than every five (5) years, on or before September 5th of the fifth year, the applicant or employee shall provide the District with a criminal history records check through the Bureau of Criminal Identification and Investigation (BCII) and through Federal Bureau of Investigation (FBI) records.~~

The guidelines established by the Superintendent shall also direct that any information and records obtained from such inquiries are confidential and shall not be released or disseminated.

Should it be necessary to employ a person to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may employ the person on a provisional basis until the report is received.

Effect of Guilty Plea and/or Conviction of Enumerated Crimes

Professional staff members determined by virtue of a criminal records check to have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, or who are otherwise determined to have engaged in conduct unbecoming the teaching profession under certain specific circumstances set forth in Policy 8141, are subject to mandatory State reporting requirements in addition to the initiation of an action by the Board to terminate their employment.

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Suspension From Duties Involving Care, Custody or Control of a Child

In accordance with Policy 3138 and State law, the Superintendent shall immediately suspend a licensed professional staff member from all duties that require the care, custody, or control of a child during any pending criminal action for which that staff member has been arrested, summoned and/or indicted for any crimes set forth in R.C. 3319.39(C).

A comprehensive list of the crimes which must result in a suspension are set forth in AG 3121.

R.C. 109.57, 109.572, 2950, 2953.32, 3301.541, 3319.291, 3319.39, 3319.40

Revised 1/14/08
Revised 6/24/08
Revised 1/12/09

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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NEW POLICY - VOLUME 28, NO. 2

**NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE**

The Board of Education does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

The Board shall only acquire and/or disclose genetic information of an employee or applicant for employment as provided by Federal law and regulation.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

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**BOARD OF EDUCATION
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NEW POLICY – VOLUME 28, NO. 2

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INFORMATION OF THE EMPLOYEE**

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42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY - VOLUME 28, NO. 1

TERMINATION AND RESIGNATION

TERMINATION

The employment contract of a professional staff member may be suspended and/or terminated in accordance with law, upon a majority vote of the Board of Education, ~~for gross inefficiency, immorality, willful and persistent violation of Board policy or District guidelines, and/or~~ for good and just cause, including disclosing a question to a student on a State-mandated test **assessment**. In such cases, the Board shall abide by due process, statutory procedures, and the applicable terms set forth in any collectively-bargained agreement.

RESIGNATION

A professional staff member may resign in accordance with law and the applicable terms of any collectively-bargained agreement.

A resignation, once accepted by the Board, may not then be rescinded.

Reporting Professional Misconduct

The Superintendent (or Board President where either the Superintendent and/or Treasurer has engaged in misconduct) will file a report to the Ohio Department of Education, on forms provided by the Department for that purpose, matters of professional misconduct on the part of licensed professional staff members in those specific circumstances set forth in State law and Policy 8141, including a conviction of the professional staff member of certain enumerated crimes and/or for conduct which is determined to be unbecoming to the teaching profession in conjunction with the non-renewal or termination of a professional staff member, or resignation by a professional staff member under threat of same and/or during the course of an investigation of conduct reasonably determined to be unbecoming the teaching profession.

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Reports of any investigation regarding whether or not a professional staff member has committed an act or offense for which the Superintendent or Board President is required to make a report to the Ohio Department of Education shall be kept in the personnel file of the professional staff member. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that professional staff member's license or permit, the report(s) of any investigation will be moved to a separate public file.

R.C. 3319.02, 3319.15, 3319.151, 3319.16, 3319.161, 3319.31, 3319.313
R.C. 3319.39
A.C. 3301-73-21

Revised 1/14/08
Revised 1/12/09

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY – VOLUME 28, NO. 1

ANTI-HARASSMENT

General Policy Statement

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

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, or any other unlawful basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

policy

**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Other Violations of the Anti-Harassment Policy

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

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

Definitions

Sexual Harassment

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

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

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

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**BOARD OF EDUCATION
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Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

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- I. **In the context of employees, ~~Consensual~~ consensual sexual relationships where such relationship leads to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees or otherwise creates a hostile work environment.**

- J. **Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.**

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

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

Race/Color Harassment

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

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Religious (Creed) Harassment

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

National Origin Harassment

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

Disability Harassment

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

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**BOARD OF EDUCATION
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Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's ~~informal and/or formal investigation and complaint processes.~~ **process.** Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file an ~~informal or a formal~~ a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy.

The Superintendent shall establish Administrative Guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This Policy and the Administrative Guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

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**BOARD OF EDUCATION
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Privacy/Confidentiality

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

Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties who believe that they have been unlawfully harassed are ~~encouraged to~~ **may** initiate their complaint through this informal complaint process, but are not required to do so. **The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.** Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. **However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.**

Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

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**BOARD OF EDUCATION
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Although not required, members ~~Members~~ of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

The decision of the Superintendent shall be final.

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

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

Sanctions and Monitoring

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

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

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**BOARD OF EDUCATION
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Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general, will be age and content appropriate.

R.C. 4112.02

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

42 U.S.C. 12101 et seq.

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis – May 2008

Revised 5/06

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GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY - VOLUME 28, NO. 1

ANTI-HARASSMENT

General Policy Statement

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

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Other Violations of the Anti-Harassment Policy

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

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

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- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
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**BOARD OF EDUCATION
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Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

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**BOARD OF EDUCATION
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- I. **In the context of employees, ~~Consensual~~ consensual sexual relationships where such relationship leads to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees or otherwise creates a hostile work environment.**
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NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

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

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Religious (Creed) Harassment

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

National Origin Harassment

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

Disability Harassment

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

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Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's ~~informal and/or formal investigation and complaint processes.~~ **process.** Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file ~~an informal or a formal~~ a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy.

The Superintendent shall establish Administrative Guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This Policy and the Administrative Guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

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Privacy/Confidentiality

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

Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties who believe that they have been unlawfully harassed are encouraged to ~~may~~ initiate their complaint through this informal complaint process, but are not required to do so. **The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.** Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. **However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.**

Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

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Although not required, members ~~Members~~ of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

The decision of the Superintendent shall be final.

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The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

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

Sanctions and Monitoring

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

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

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Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general, will be age and content appropriate.

R.C. 4112.02

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

42 U.S.C. 12101 et seq.

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis – May 2008

Revised 5/06

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REVISED POLICY - VOLUME 28, NO. 2

FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;
- B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's placement;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child or parent with a serious health condition;
- D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or
- ~~E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is a covered military member (i.e. a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").~~
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.**

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In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as **(1) a current member of the Armed Forces, (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.** Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a **covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran the injury or illness could have manifested itself before or after the member became a veteran.** The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

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Eligible Employees

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time instructional employees are deemed to meet the 1,250 hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e. the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves in patient care or continuing treatment by a health care provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

- A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

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- B. Continuing treatment by a health care provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
 - a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

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- b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).
 - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- 2. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.
 - 3. A chronic serious health condition is one that: a.) requires periodic visits (i.e. at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.
 - 4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- C. Conditions for which cosmetic treatment are administered (e.g. most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

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Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e. leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e. reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the health care provider.

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If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than does the staff member's regular position.

Staff Member Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to **a qualifying family member's covered** ~~the active duty or call to covered active duty status of a covered military member~~, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

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Substitution of Paid Leave

The Board shall require the staff member to "substitute" (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, vacation leave, compensatory time family leave) for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the District's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking of any type of paid leave.

~~If a staff member requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the Superintendent requires such use pursuant to the Fair Labor Standards Act, the time taken will be counted against the staff member's FMLA leave entitlement.~~

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or a twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

District Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. Additionally, this general notice shall be included in employee handbooks or other written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

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When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as **both** Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

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Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

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Certification

When FMLA leave is taken for either reason (C) or (D) on page 1, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent;
- B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

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Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its health care provider and/or **human resource professional** ~~leave administrator~~ – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

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Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

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A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and verify that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

29 U.S.C. 2601 et seq. (as amended)
29 C.F.R. Part 825
45 C.F.R. Part 160, 164

Revised 8/18/08
Revised 7/27/09

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REVISED POLICY - VOLUME 28, NO. 2

FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;
- B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's placement;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child or parent with a serious health condition;
- D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or
- ~~E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is a covered military member (i.e. a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").~~
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

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In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as **(1) a current member of the Armed Forces, (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.** Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a **covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran the injury or illness could have manifested itself before or after the member became a veteran.** The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

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Eligible Employees

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e. the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves in patient care or continuing treatment by a health care provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

- A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

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- B. Continuing treatment by a health care provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
- a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

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- b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).
 - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- 2. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.
 - 3. A chronic serious health condition is one that: a.) requires periodic visits (i.e. at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.
 - 4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- C. Conditions for which cosmetic treatment are administered (e.g. most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

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Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e. leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e. reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the health care provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than does the staff member's regular position.

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Staff Member Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to **a qualifying family member's covered** ~~the active duty or call to covered active duty status of a covered military member,~~ or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

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Substitution of Paid Leave

The Board shall require the staff member to "substitute" (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, assault leave, vacation leave, compensatory time family leave) for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the District's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking of any type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or a twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

District Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. Additionally, this general notice shall be included in employee handbooks or other written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

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When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as **both** Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

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Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

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Certification

When FMLA leave is taken for either reason (C) or (D) on page 1, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent;
- B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

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Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its health care provider and/or ~~leave administrator~~ **human resource professional** – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

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A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and verify that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

29 U.S.C. 2601 et seq. (as amended)
29 C.F.R. Part 825
45 C.F.R. Part 160, 164

Revised 7/27/09

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REVISED POLICY – VOLUME 28, NO. 2

CRIMINAL HISTORY RECORD CHECK

In accordance with State law, the Board of Education requires a criminal background check including information from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) of each applicant the Superintendent recommends for employment on the District's non-teaching staff as well as for all current non-teaching employees on a periodic basis. These requirements apply to any non-teaching employee, including individuals employed by a private company under contract with the Board to provide essential school services in accordance with Policy 8142, and all substitutes and persons employed on a part-time basis such as coaches or activity supervisors.

~~Special~~ **Specific** rules relating to employees engaged in the operation of a vehicle for student transportation (bus/van drivers) and non-teaching employees who are also licensed by the Ohio Department of Education (e.g. aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit), ~~are set forth below.~~ **shall be implemented as prescribed by law and applicable administrative code.**

A criminal background check is not required of any currently-employed staff member who is a candidate for another position in the District, unless otherwise required by law and/or this policy.

The Superintendent shall establish administrative guidelines that require an appropriate records check that complies with the law.

~~Non-Teaching Employees Not Engaged in the Operation of a Vehicle for Student Transportation (Bus/Van Driver)~~

~~The Superintendent shall establish administrative guidelines which will require an appropriate records check that complies with the law. These guidelines shall require a criminal history records check, which will include criminal history information from the Federal Bureau of Investigation (FBI), at the time of an initial application and every five (5) years thereafter, on or before September 5th of the fifth year, for current non-teaching employees every five (5) years, on or before September 5th of the fifth year, and for any individual employed by a private company under contract with the Board to provide essential school services as set forth in Policy 8142.~~

~~The guidelines shall also require that any~~ **Any** information and records obtained from such inquiries **are not public record and shall** be kept confidential and shall not be released or disseminated.

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Should it be necessary to employ a person to maintain continuity of the District's operations, prior to receipt of the criminal history record, the Superintendent may, except in the case of a bus driver, employ the person on a provisional basis until the report is received.

Student Transportation Employees

~~The administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus or school van driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees). An updated, satisfactory BCII report shall be obtained for each school bus driver every six (6) years with driver re-certification. "Satisfactory" shall be defined by the same standards applied to other public school employees. Such records shall be maintained for a minimum of six (6) years.~~

~~In addition to the required BCII check, a copy of each new school bus driver's complete driving record must be obtained from the Ohio Department of Education prior to allowing the school bus driver to operate a school bus or school van for the first time. In accordance with State transportation regulations, the Superintendent shall request the administrator in charge of transportation to conduct at least a semi-annual review of each school bus driver's (i.e., current bus drivers and those newly hired bus drivers who remain employed with the Board) driving record through the Ohio Department of Education to determine that such drivers have:~~

- ~~A. no more than six (6) points within the last twenty four (24) month period;~~
- ~~B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past six (6) years (i.e., not been convicted of a violation of R.C. 4511.19);~~
- ~~C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01(DD)(1) through (DD)(7) during the last twenty four (24) month period:
 - ~~1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;~~
 - ~~2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 4511.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;~~~~

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3. ~~violation of a law of this State or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;~~
 4. ~~violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;~~
 5. ~~violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;~~
 6. ~~violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;~~
 7. ~~violation of any other law of this State or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule; and~~
- D. ~~no railroad crossing violations during the last year (i.e., twelve (12) month period).~~

The records obtained from the semi-annual records check will also be maintained for a minimum of six (6) years.

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~~If a school bus driver has any of the above referenced violations, s/he will be disqualified from operating a school bus. The bus driver will also be notified that his/her school bus certification will be reviewed by the Superintendent and his/her employment as a school bus driver may be terminated.~~

~~If a school bus driver has an interruption in driving a school bus or school van for a period of one (1) year or longer, s/he will not be permitted to resume operating a school bus or school van until a copy of the school bus driver's complete driving record has been obtained.~~

~~No driver who is convicted of a traffic violation or has his/her commercial driver's license (CDL) suspended will be permitted to operate a school bus or school van until the driver files a written notice of the conviction or suspension. Such written notice must be immediately filed with the Superintendent or administrator in charge of transportation, irrespective of whether the traffic violation occurred while operating a Board owned vehicle or a private vehicle or during school or non-school hours. Failure to file the required written notice of conviction or suspension will result in the revocation of the driver's certificate and/or disciplinary action, up to and including termination.~~

~~Further, no bus driver will be permitted to drive a school bus or school van unless s/he meets all other requirements contained in the rules adopted by the Ohio Department of Education prescribing qualifications of drivers of school buses and other student transportation. In addition, no bus driver will be permitted to drive a school bus or school van unless:~~

- ~~A. information pertaining to the bus driver has been submitted to the Ohio Department of Education, including the name of the Board, name of the bus driver, driver license number, date of birth, date of hire, status of physical evaluation and status of training; and~~
- ~~B. a criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.~~

~~Similar to other applicants, a satisfactory BCII report and FBI background check are required prior to the hiring of an individual as a school bus aide for pre-school and special needs children. In addition, the administrator in charge of transportation will obtain updated, satisfactory criminal records reports for each school bus aide every six (6) years. Satisfactory shall be defined by the same standards applied to other non-certified public school employees. Such records shall also be maintained for a minimum of six (6) years.~~

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Current Non-Teaching Employees Also Licensed by the Ohio Department of Education

~~Consistent with Policy 8141 and State law, certain non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) shall be required to undergo a criminal record check as described in this policy, upon renewal of any license, certificate or permit.~~

~~For these non-teaching employees, the Ohio Department of Education may waive the requirements of a criminal background check for those non-teaching employees who are also licensed by the State Department seeking the issuance or renewal of a license, certificate of permit, who have undertaken such process within the immediately preceding year.~~

Effect of Guilty Plea and/or Conviction of Enumerated Crimes - All Non-Teaching Employees

Non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) who engage in conduct unbecoming the teaching profession and/or who it is determined have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, are subject to the mandatory reporting requirements set forth in Policy 8141, in addition to an action by the Board to terminate their employment. In addition, consistent with State law and Policy 4138, the Superintendent shall immediately suspend such licensed non-teaching employees from all duties that require the care, custody, or control of a child during any pending criminal action for which that licensed, non-teaching staff member has been arrested, summoned and/or indicted for any crimes set forth in R.C. 3319.31(C).

A comprehensive list of crimes which must result in a suspension are set forth in AG 4121.

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All other non-teaching employees who are the subject of a criminal records check including applicants hired provisionally in advance of a completed criminal records check, as well as student transportation employees (bus/van drivers, preschool and special needs bus aides), and/or individuals employed by a private company under contract with the Board to provide essential school services in accordance with Policy 8142, who it is determined have pled guilty to or been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, shall not be hired or shall be released from employment, as applicable, unless such individual meets the rehabilitation standards adopted by the Ohio Department of Education under division (E) of that section at the time of the hiring and/or upon discovery of such plea or conviction by the Board.

In the case of employees hired by the Board to operate a vehicle used for student transportation (i.e., bus/van drivers), a guilty plea or conviction of a crime to any offense listed in R.C. 3319.31(C) will serve as a bar to further employment with the Board and the rehabilitation standards will not apply.

Suspension From Duties Involving Care, Custody or Control of a Child for Arrest, Summons and/or Indictment for Certain Crimes

In accordance with State law and Policy 4138, the Superintendent (or Treasurer in the case of an employee whose duties are assigned by the Treasurer) shall immediately suspend any non-licensed, non-teaching employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that staff member has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.39(B)(1).

A comprehensive list of the crimes which must result in a suspension of such non-licensed employees are set forth in AG 4121.

R.C. 109.57, 109.572, 2950, 2953.32, 3319.39, 3301.541, 3319.291, 3319.311
R.C. 3319.391, 3319.392, 3319.40, 3327.10
A.C. 3301-83-06 (B)(10), 3301-83-06 (F)(2), 3301-83-06 (F)(5)
A.C. 3301-83-10 (F), 3301-20-01, 4501-1-05

Revised 1/14/08
Revised 6/24/08
Revised 1/12/09

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REVISED POLICY – SPECIAL UPDATE

ATTENDANCE

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

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

Repeated infractions of Board policy on attendance may result in suspension or expulsion.

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. illness in the family necessitating the presence of the child
- C. quarantine of the home
- D. death in the family
- E. necessary work at home due to absence or incapacity of parent(s)/guardian(s)
- F. observation or celebration of a bona fide religious holiday
- G. **out-of-state travel (up to a maximum of four (4) days per school year) to participate in a District-approved enrichment or extracurricular activity**

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

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- G.H. such good cause as may be acceptable to the Superintendent
- H.I. service as a precinct officer at a primary, special or general election in accordance with the program set forth in Policy 5725

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

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

A student will be considered habitually truant if the student is absent without a legitimate excuse for five (5) or more consecutive school days, for seven (7) or more school days in one (1) month, or twelve (12) or more school days in one (1) school year.

A student will be considered chronically truant if the student is absent without a legitimate excuse for seven (7) or more consecutive school days, for ten (10) or more school days in one (1) month, or for fifteen (15) or more school days in one (1) year.

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

If a student is habitually truant and the student's parent has failed to cause the student's attendance, the Board authorizes the Superintendent to file a complaint with the Judge of the Juvenile Court and/or to take any other appropriate intervention actions as set forth in this Board's policy.

If a student is chronically truant and the student's parent has failed to cause the student's attendance, the Board authorizes the Superintendent to file a complaint with the Judge of the Juvenile Court.

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In order to address the attendance practices of a student who is habitually truant, the Board authorizes the Superintendent to take any of the following intervention actions:

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

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

The Superintendent shall develop administrative guidelines that:

- A. establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance record prior to notification and that such notification complies with R.C. 3321.13 (B)(2);
- B. establish a school session which is in conformity with the requirements of the rules of the State Board;

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- C. govern the keeping of attendance records in accordance with the rules of the State Board;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. provide students whose absence has been excused an opportunity to make up work they missed and receive credit for the work, if completed;
- F. refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate accommodation.

Whenever any student of compulsory school age has ten (10) consecutive days or a total of fifteen (15) days of unexcused absence from school during any semester, s/he will be considered habitually absent. The Board authorizes the Superintendent to inform the student and his/her parents, guardian, or custodian of the record of excessive absence as well as the District's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's excessive absence.

R.C. 3313.664, 3321.01 et seq., 3321.13(B)(2), 3321.19, 3321.191, 3321.22
R.C. 3321.38, **3323.041**, 3331.05
A.C. 3301-35-03(G), 3301-47-01, 3301-69-02

Revised 06/24/08

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NEW POLICY – SPECIAL UPDATE

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions will be provided pursuant to a Section 504 Plan (Form 2260.01 F13).

Chronic health conditions, for the purposes of this policy, shall include:

- A. "peanut" and other food allergies;
- B. allergies;
- C. asthma;
- D. diabetes; and
- E. any other chronic health condition not identified above but documented by the physician and verified by the District nurse.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 and Policy 8350.

The District will coordinate school health practices for management of a chronic health condition and shall provide for:

- A. identification of individuals with chronic health conditions;
- B. development of individual health care action plans;
- C. coordination of health care management activities by school staff;
- D. communication among school staff who interact with children with chronic health conditions;
- E. development of protocols to prevent exposure/episodic reactions;

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- F. awareness and training of school staff regarding Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in "unusual" situations such as field trips; and
- G. any other school health practice not identified above but determined necessary by the District nurse with the approval of the Director of Pupil Services.

School health practices shall provide students with chronic health conditions the opportunity for:

- A. full participation in physical activities when students are well;
- B. modified activities as indicated by the student's health care action plan, 504 plan, or Individualized Education Plan (IEP);
- C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;
- D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches; and
- E. any other school health practice not identified above but determined necessary by the District nurse with the approval of the Director of Pupil Services.

Healthcare management activities shall include:

- A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;
- B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;

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- C. established communication strategies for students to use to tell an adult they may be having a health-related problem;
- D. procedures for students to have immediate access to medications in accordance with Policy 5330 and AG 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians;
- E. prevention strategies to avoid causal elements;
- F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;
- G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school related activity or event; and
- H. any other healthcare management activity not identified above but determined necessary by the District nurse with the approval of the Director of Pupil Services.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, by a licensed health professional.

The school nurse and principal shall maintain a copy of the training program and the records of training completed by school employees.

Administrative guidelines shall provide guidance for the implementation of this policy.

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REVISED POLICY – VOLUME 28, NO. 1

Version #1

GRADUATION REQUIREMENTS

In order to acknowledge each student's successful completion of the instructional program, appropriate to the achievement of District goals and objectives as well as personal proficiency, the Board of Education awards a diploma to eligible students at a graduation ceremony.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in his/her individualized education program (I.E.P.) including either the exemption from or the requirement to complete the tests required by the State Board of Education in order to graduate. Each student must also demonstrate, unless exempted, at least a proficient level of skill on the tests required by the State Board of Education to graduate.

MINIMUM CREDITS FOR GRADE LEVEL CLASSIFICATION AND GRADUATION

	<u>Grade 10</u>	<u>Grade 11</u>	<u>Grade 12</u>	<u>Graduation</u>
Graduation – June, 2006 – 2008	4	10	15	21
Graduation – June, 2009	5	10	15	21
CVCC students only				21
Graduation - June, 2010	5	10	15	21
CVCC students only				21
Graduation - June, 2011 & thereafter	5	10	15	21

STUDENT LOAD

Due to the number of class periods available, all students are required to take a minimum of six (6) credits per grading period.

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The requirements for graduation from high school include earning twenty-one (21) units of credit in grades nine through twelve as follows for ~~graduating class up to 2008~~ **established in State law**. However, no student shall be required to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early.

GRADUATION CREDIT REQUIREMENTS

	<u>Required Credits</u>	<u>Elective Credits</u>	<u>Total Credits</u>
Graduation - June, 2006 - 2008	16.50	5.00	21.00
Graduation - June, 2009	17.50	5.00	21.00
CVCC Students only	16.50	5.00	21.00
Graduation - June, 2010	17.50	5.00	21.00
CVCC students only	16.50	5.00	21.00
Graduation - June, 2011 & thereafter	17.50	5.00	21.00

SUBJECT AREA CREDIT REQUIREMENTS

	<u>Graduation June, 2006 Thru 2008</u>	<u>Graduation June, 2009 & June 2010</u>	<u>Graduation June, 2011 & thereafter</u>
English	4.00	4.00	4.00
Social Studies	4.00	3.00	3.00
Mathematics	3.00	4.00	4.00
CVCC students only		3.00	
Science	3.00	3.00	3.00
Health & Physical Education (must include Health, .50 and Physical Education .50)	1.50	1.00	1.00

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Fine or Practical Arts	0.50	0.50	0.50
Computer Education	0.50	0.50	0.50
Total Required Credits	16.00	16.00	16.00
CVCC students only		16.00	

Students who have participated in interscholastic athletics, marching band, or cheerleading for at least two (2) full seasons as defined in the student-GHHS handbook, while enrolled in grades 9 through 12, and as documented by the athletic director, **assistant principal, guidance counselor, etc.** may be excused from the high school physical education requirement. Students electing such an excuse shall complete one-half (1/2) unit of at least sixty (60) hours of instruction in another course of study which is designated by the Board as meeting the high school curriculum requirements.

Credit may be earned by:

- A. completing coursework;
- B. testing out of or demonstrating mastery of course content; or
- C. pursuing one or more educational options in accordance with the District's Credit Flexibility Program.

Credit may be earned at an accredited postsecondary institution.

Every high school may permit students below the ninth grade to take advanced work for credit. This work shall count toward the graduation requirements if it was both:

- A. taught by a person who possesses a license/certificate issued under State law that is valid for teaching high school;
- B. designated by the Board as meeting the high school curriculum requirements.

An honors diploma shall be awarded to any student who meets the established requirements for graduation or the requirements of his/her IEP; attains the applicable scores on the tests required by the State Board of Education to graduate; and meets any additional criteria the State Board may establish.

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Version #1

Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school principal or those students who have been deemed eligible to participate in such exercises in accordance with the terms of their IEP. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

The Board also shall grant a diploma of adult education to all District residents over the age of twenty-one (21) who meet the requirements established by the State Board of Education.

The Superintendent or designee may establish whatever administrative guidelines are necessary to comply with State rules and regulations.

TYPES OF DIPLOMAS AND CERTIFICATE OF ATTENDANCE

One of the following types of diplomas or a certificate of attendance will be awarded to students of Garfield Heights High School as mandated by the Ohio Department of Education based on successful completion of their high school program of studies and the criteria indicated:

BASIC DIPLOMA

- A. Pass all five (5) parts of the Ninth Grade Proficiency Test/Ohio Graduation Test - Writing, Reading, Math, Citizenship and Science.
- B. Meet all local graduation requirements.
 - 1. Class of 2006 - 2008 = 21 credits
 - 2. Class of 2009 = 22 credits
CVCC students = 21 credits
 - 3. Class of 2010 = 21 credits
CVCC students = 21 credits
 - 4. Class of 2011 and beyond = 21 credits

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DIPLOMA WITH HONORS

- A. Pass all five (5) parts of the Ninth Grade Proficiency Test/Ohio Graduation Test.
- B. Meet all local graduation requirements.
- C. Meet eight (8) of these nine (9) criteria:
 1. four (4) credits of English
 2. four (4) credits of Math (Algebra I, Algebra II, Geometry minimum)
 3. three (3) credits of Science that include emphasis on physical, life and earth science
 4. four (4) credits of Social Studies
 5. three (3) credits of a Foreign Language or two (2) credits each of two (2) Foreign Languages
 6. one (1) credit of fine art
 7. either one (1) credit of business/technology and two (2) additional credits in "1" through "6" above or three (3) additional credits in "1" through "6" above
 8. GPA of 3.5 or higher for seven (7) semesters
 9. ACT Composite score of twenty-seven (27) or higher OR an equivalent SAT score of 1210

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Version #1

VOCATIONAL DIPLOMA WITH HONORS

- A. Pass all five (5) parts of the Ninth Grade Proficiency Test/Ohio Graduation Test.
- B. Meet all local graduation requirements.
- C. Meet eight (8) of those nine (9) criteria:
 1. four (4) credits of English
 2. three (3) credits of Math (Including Algebra and Geometry)
 3. three (3) credits of Science that develop concepts of physical, life and earth sciences
 4. four (4) credits of Social Studies
 5. two (2) credits of a Foreign Language or two (2) credits of business technology or one (1) of each
 6. three (3) credits from Cuyahoga Valley Career Center
 7. two (2) additional credits in "1" through "6" above
 8. GPA of 3.5 or higher after seven (7) semesters
 9. Complete a career passport that reflects achievement of the occupational proficiency benchmark established for the Ohio Vocational Competency Assessment
 10. ACT Composite score of twenty-seven (27) or higher OR an equivalent SAT score of 1210

R.C. 3313.60, 3313.603, 3313.61, 3313.611, 3313.614, 3313.647, 3323.08
R.C. 3301.07, 0710, 0711
A.C. 3301-41-01, 3301-13-01 to 07

Revised 6/24/08
Revised 1/12/09
Revised 7/27/09
Revised 1/12/10

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REPLACEMENT POLICY - VOLUME 28, NO. 1

Version #2

GRADUATION REQUIREMENTS

In order to acknowledge each student's successful completion of the instructional program, appropriate to the achievement of District goals and objectives as well as personal proficiency, the Board of Education awards a diploma to eligible students at a graduation ceremony.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in his/her individualized education program (IEP) including either the exemption from or the requirement to complete the tests required by the State Board of Education in order to graduate. Each student must demonstrate, unless exempted, at least a proficient level of skill on the tests required by the State Board of Education to graduate.

The requirements for graduation from high school include earning twenty-one (21) units of credit in grades nine through twelve as established in State law. However, no student shall be required to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early.

Students who have participated in interscholastic athletics, marching band, or cheerleading for at least two (2) full seasons as defined in the GHHS handbook, while enrolled in grades 9 through 12, and as documented by the athletic director, assistant principal, guidance counselor, etc. may be excused from the high school physical education requirement. Students electing such an excuse shall complete one-half (1/2) unit of at least sixty (60) hours of instruction in another course of study which is designated by the Board as meeting the high school curriculum requirements.

Credit may be earned by:

- A. completing coursework;
- B. testing out of or demonstrating mastery of course content; or
- C. pursuing one or more educational options in accordance with the District's Credit Flexibility Program.

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Version #2

Credit may be earned at an accredited postsecondary institution.

Every high school may permit students below the ninth grade to take advanced work for credit. This work shall count toward the graduation requirements if it was both:

- A. taught by a person who possesses a license/certificate issued under State law that is valid for teaching high school;
- B. designated by the Board as meeting the high school curriculum requirements.

An honors diploma shall be awarded to any student who meets the established requirements for graduation or the requirements of his/her IEP; attains the applicable scores on the tests required by the State Board of Education to graduate; and meets any additional criteria the State Board may establish.

Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school principal or those students who have been deemed eligible to participate in such exercises in accordance with the terms of their IEP. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

The Board also shall grant a diploma of adult education to all District residents over the age of twenty-one (21) who meet the requirements established by the State Board of Education.

The Superintendent shall establish whatever administrative guidelines are necessary to comply with State rules and regulations.

R.C. 3313.60, 3313.603, 3313.61, 3313.611, 3313.614, 3313.647, 3323.08

R.C. 3301.07, 0710, 0711

A.C. 3301-41-01, 3301-13-01 to 07

Revised 6/24/08

Revised 1/12/09

Revised 7/27/09

Revised 1/12/10

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**BOARD OF EDUCATION
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REVISED POLICY - VOLUME 28, NO. 1

ANTI-HARASSMENT

General Policy Statement

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

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, or any other unlawful basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

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Other Violations of the Anti-Harassment Policy

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

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

Definitions

Sexual Harassment

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

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

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

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Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

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- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- ~~I. Consensual sexual relationships where such relationship leads to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees.~~
- I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.**

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

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

Race/Color Harassment

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

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Religious (Creed) Harassment

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

National Origin Harassment

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

Disability Harassment

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

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

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Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's ~~informal and/or formal investigation and complaint processes~~ **process**. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file ~~an informal or a formal~~ a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy. The names and titles of these individuals will be published annually.

The Superintendent shall establish Administrative Guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This Policy and the Administrative Guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Privacy/Confidentiality

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

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties who believe that they have been unlawfully harassed ~~are encouraged to~~ **may** initiate their complaint through this informal complaint process, but are not required to do so. **The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.** Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. **However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.**

Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

~~Although not required, members~~ **Members** of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

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After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

The decision of the Superintendent shall be final.

The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

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

**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Sanctions and Monitoring

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

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

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general, will be age and content appropriate.

R.C. 4112.02
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794
42 U.S.C. 12101 et seq.
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983

National School Boards Association Inquiry and Analysis – May 2008

Revised 5/06

policy

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GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY – VOLUME 28, NO. 1

CORPORAL PUNISHMENT

While recognizing that students may require disciplinary action in various forms, the Board of Education ~~cannot~~ **does not** condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as classified staff **may**, within the scope of their employment, may use and apply reasonable **and necessary** force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Corporal punishment ~~shall~~ **is** not ~~be~~ permitted. If any employee threatens to inflict, inflicts, or causes to inflict unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Board and possibly charges of child abuse as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

R.C. 2919.22(B), 3313.20(B), 3319.41-(A)(B)

**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY - VOLUME 28, NO. 1

WAIVER OF SCHOOL FEES FOR INSTRUCTIONAL MATERIALS

The Garfield Heights City Schools district shall waive fees assessed by the District for instructional materials only for students whose parent(s) or guardian are unable to afford them. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the requests for the waiver of fees. This waiver does not include District fees associated with extra-curricular activities or student enrichment programs that are not part of a course of instruction.

Eligibility Standards

Students eligible for a waiver of school fees include, but are not limited to, the following:

- A. Students who qualify for aid under Ohio Works First (R.C. 5107) or Disability Assistance (R.C. 5115).
- B. Students who qualify for free lunch under the National School Lunch Act.**
- B. Students whose families have suffered very significant financial losses due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.

Notification to Parents

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

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Procedures for Resolution of Disputes

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

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

- B. No fee shall be collected from any parent(s) or guardian who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the parent(s) or guardian have been notified of the decision.
- C. If the Superintendent denies a request for fee waiver, then a copy of the decision shall be mailed to the parent(s) or guardian within fifteen (15) school days of receipt of the request. The decision shall state the reason for the denial and shall inform the parent(s) or guardian of the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parent(s) or guardian that reapplication may be made for a waiver any time during the school year, if circumstances change. The decision of the Superintendent is final.

**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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Nondiscrimination

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

R.C. 3313.642

Revised 6/24/08

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**BOARD OF EDUCATION
GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY – VOLUME 28, NO. 1

COMPUTER TECHNOLOGY AND NETWORKS

The Board of Education is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Board operations. It also recognizes that safeguards have to be established to ensure that the Board's investment in both hardware and software is achieving the benefits of technology and inhibiting negative side effects. **As such, the Board directs that students are educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.**

The Superintendent is directed to establish administrative guidelines not only for proper acquisition of technology but also to provide guidance to staff and students concerning making appropriate and ethical use of the **Board's** computers and other **technological** equipment. ~~as well as any networks that may be established.~~

The Superintendent shall **further** establish appropriate procedures to inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an illegal or unethical manner.

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GARFIELD HEIGHTS CITY SCHOOL DISTRICT**

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REVISED POLICY - VOLUME 28, NO. 1

STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in our society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The Board of Education is pleased to provide Internet service to its staff. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Staff use of the District's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and any applicable employment contracts and collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have ~~a limited~~ **no right or expectation to privacy when using the Network (including, but not limited to, privacy expectation** in the content of their personal files, e-mails, and records of their online activity while on the Network).

The Board encourages staff to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet will be guided by the Board's policy on Instructional Materials.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges **and responsibilities**.

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

~~The Board has implemented the use of a Technology Protection Measure, which is a specific technology that will protect against (e.g., filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the Technology Protection Measure may also be configured to protect against access to other material considered inappropriate for students to access. The Technology Protection Measure may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. The Superintendent or Director of Technology may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the Technology Protection Measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.~~

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Pursuant to Federal law, the Board has implemented technology protection measures, which protect against (e.g. filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures, may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

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

~~The Board utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.~~

The Superintendent is directed to prepare guidelines which address staff members' safety and security while using e-mail, chat rooms, instant messaging and other forms of direct electronic communication, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g. "hacking") and other unlawful activities by minors online. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission.

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Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. All Internet users are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff members are responsible for good behavior on Board's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines. Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and ~~designated staff~~ **Director of Technology** as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of the Network.

~~H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000~~
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended **(2003)**
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,
as amended **(2003)**
18 U.S.C. 1460
18 U.S.C. 2246
18 U.S.C. 2256
20 U.S.C. 6777, 9134 (2003)

Adopted 8/18/08

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NEW POLICY - VOLUME 28, NO. 1

**NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS
AND/OR OTHER WEB-ENABLED DEVICES**

Board members, District employees, students, as well as contractors, vendors, and/or agents of the District may use their personal computers or web-enabled devices of any type to access the District's server and internal network while they are on-site at any District facility, provided the computers and web-enabled devices meets the established standards for equipment used to access said server and network, and the individual granted access complies, without exception, with the established standards for appropriate use of the District's server and network.

Connecting to the District's server and network shall be in accordance with standards established by the District. Access to the standards for connecting to the District's server and network using a personal computer or web-enabled device of any sort shall be provided upon request for all to whom this policy applies.

Establishment, and subsequent enforcement, of the standards is intended to minimize the District's potential exposure to damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, and damage to the District's critical internal systems, from unauthorized use.

Any Board member, employee, student contractor, vendor, and/or agent of the District who violates the established standards, who violates the District's Acceptable Use policy, or who accesses the server and network without authorization may be subject to disciplinary action, up to and including expulsion, if a student, termination of employment if a District employee, denial of access if a Board member, or cancellation of the contract with the District if a contractor, vendor or agent. Further, the Board member, employee, student, contractor, vendor, and/or agent of the District who violates the established standards or who violates the District's Acceptable Use policy may be denied access to the District's server and network in the future.

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NEW POLICY - VOLUME 28, NO. 1

**UTILIZATION OF THE DISTRICT'S WEBSITE AND REMOTE ACCESS
TO THE DISTRICT'S NETWORK**

Access to the District's Website (www.garfieldheightscityschools.com) is encouraged.

The Board encourages employees, parents, students, and community members to check the District's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, information shall be provided on the website explaining who is eligible for a user name and password, how to obtain a user name and password, and detailed instructions concerning the login process.

Access to the District Network Through a Server

Board members, District employees, and/or students, as well as vendors of the District, are permitted to use their personally-owned or District-owned computers or workstations and/or web-enabled devices of any type to remotely (i.e. away from District property and facilities) access the District's server and thereby connect to the District's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the District, including, but not limited to, reading or sending e-mail and reviewing District-provided intranet web resources and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. his/her device computer/device must have, at the minimum, the anti-virus software specified in the District's standards for remote access and connection
- B. the individual may only access the Network using his/her assigned user name and password

The individual must not allow other persons, including family members, to use his/her user name and password to login into the Network. The user may not go beyond his/her authorized access.

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- C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user
- D. the individual may not access non-District e-mail accounts (e.g. Hotmail, Gmail, Yahoo, AOL, and the like) or other external resources while connected to the Network
- E. his/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing
- F. use of the Network is contingent upon the individual abiding by the terms and conditions of the District's Network and Internet Acceptable Use and Safety policy and guidelines

Users may be required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the District network shall be developed and published in AG 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination; any vendor who violates this policy may have his/her contract with the District terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

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NEW POLICY - VOLUME 28, NO. 1

PERSONAL INFORMATION SYSTEMS

The Board of Education maintains a personal information ("PI") systems and shall do so in accordance with the provisions of R.C. Chapter 1347. The Board is committed to only collecting, maintaining, and using the personal information that is necessary and relevant to it carrying out the effective operation of the District. All personal information maintained in the PI system shall be used in a lawful manner for legitimate purposes consistent with the functions of the District.

Personal information is defined as "any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person."

The Superintendent is directly responsible for the operation of the PI system, including preparing and implementing rules that provide for the operation of the information system. All employees responsible for collecting, maintaining, and/or utilizing personal information maintained in the PI system shall be provided a copy of any rules that are promulgated and trained in how to comply with them and the provisions of the law.

The Board shall discipline any employee or student who engages in the unauthorized use or release of the personal information contained in the PI system. Disciplinary action shall be taken consistent with State and Federal law and any applicable collective bargaining agreements, and may include action up to and including termination.

Whenever a person is requested to supply personal information that will be maintained in the PI system, the person will be informed whether s/he is legally required to provide the personal information. If the person is not legally required to provide the personal information, s/he may refuse to supply the information and no adverse consequences will be imposed as a result of the refusal.

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The Board shall take reasonable precautions to protect personal information maintained in the information system from unauthorized modification, destruction, use, or disclosure. The Board shall eliminate personal information from the PI system when it is no longer necessary and relevant to the District carrying out its functions.

R.C. 1347.05

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REVISED POLICY - VOLUME 28, NO. 1

SCHOOL SAFETY

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

School Safety Plan

To that end, the Superintendent shall develop a School Safety Plan with input from representatives of the local law enforcement agency; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services; members of the Board; building administrators; representatives from the local emergency management service agency; or School Resource Officer(s); or staff.

The School Safety Plan shall be comprehensive and consider each school building under the Board's control. Thereafter, the Superintendent shall convene a meeting ~~every three (3) years~~ for the purpose of reviewing the *School Safety Plan*, and making modifications as deemed necessary and proper; identifying additional training that might be needed; and discussing any other such related matters as may be deemed to be necessary by the participants. The Superintendent shall also convene a meeting whenever a major modification to a school building requires changes in the procedures outlined in the School Safety Plan. Participants in this meeting shall include the Superintendent; representatives of the local law enforcement agency; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services; members of the Board; building administrators; representative(s) from the local emergency management service agency; staff; or School Resource Officer(s).

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The Superintendent shall make a report to the Board about this review and recommend the approval and adoption of any proposed revisions or additions to the *School Safety Plan*.

Upon approval and adoption of the School Safety Plan by the Board, the Superintendent shall file a copy of such Plan and a blueprint of each building with the following:

- A. each law enforcement agency that has jurisdiction over the school building
- B. upon request, the local fire department serving the area in which the school district is located

Copies of the School Safety Plan and blueprints shall not be considered public records, however, building floor plans are subject to public disclosure.

The Board shall grant access to each school building to law enforcement personnel in order to enable such personnel to conduct training sessions for responding to threats and emergency events affecting the School District and/or a school building. Such access shall be provided outside of student instructional hours and an employee of the Board shall be present in the building during the training sessions.

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety. Also, see Policy 8420 – Emergency Situations at School.

Safe and Drug Free Schools

As a part of the School Safety Plan, 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 No Child Left Behind Act of 2001):

- 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;

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- C. prevention activities that are designed to maintain safe, disciplined and drug-free environments;
- D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
 - 1. allows a teacher to communicate effectively to all students in the class;
 - 2. allows all students in the class the opportunity to learn;
 - 3. has consequences that are fair, and developmentally appropriate;
 - 4. considers the student and the circumstances of the situation; and
 - 5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education 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 convene a meeting of the building administrator, representative(s) of the local law enforcement agency, 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.~~

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

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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 convene a meeting of the building administrator, representative(s) of the local law enforcement agency, 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.~~

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.

R.C. 3313.536
Title IX, Section 9532 of the No Child Left Behind Act of 2001
20 U.S.C. 6301 et seq.
Public Law 107-110

Revised 5/06
Revised 06/24/08

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REVISED POLICY – VOLUME 28, NO. 2

STUDENT ABUSE AND NEGLECT

The Board of Education is concerned with the physical and mental well-being of the students of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with his/her 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 ~~shall be~~ **is** required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

~~The Board official and employee making the report shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect and shall secure prompt medical attention to any such injuries reported.~~

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

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

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6. In order to develop programs that are appropriate and effective, the Superintendent is authorized to consult with public and/or private agencies or individuals involved in child abuse prevention and intervention. In addition, the Superintendent shall provide a program of in-service education on **school safety**, prevention of child abuse, violence, and substance abuse and promotion of positive youth development for **all nurses, teachers, counselors, school psychologists and administrators who work in the District's elementary, middle and high schools.** ~~all elementary school staff members. All newly employed professional staff 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 five (5) years thereafter.~~

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

All newly-employed nurses, teachers, counselors, school psychologists and administrators who work in the District's elementary, middle and high schools shall complete at least four (4) hours of in-service training within two (2) years of the date of employment. Further, all middle and high school nurses, teachers, counselors, school psychologists and administrators employed by the District as of October 16, 2009, must complete the initial four (4) hours of in-service training no later than October 16, 2011. Additional training must occur every five (5) years thereafter.

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.

R.C. 2151.421, 3313.60, 3319.073

Revised 06/24/08

Revised 7/27/09

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REVISED POLICY - VOLUME 28, NO. 1

RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with Policy 7510 and AG 7510 - Use of District Facilities and Policy 9700 and AG 9700 - Relations with Special Interest Groups.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. ~~However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students are free to associate.~~

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

~~The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.~~

~~The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.~~

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At the discretion of the Superintendent, a moment of silence may be provided each school day for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme. However, under no circumstances shall students be compelled to participate.

The flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day.

The mottoes of the United States of America ("In God We Trust") and the State of Ohio ("With God, All Things Are Possible") shall be displayed in an appropriate manner in a classroom, auditorium, or cafeteria of a school building of the District, if copies of the mottoes or money to purchase copies of the mottoes are donated to the District. The donated or purchased copies of the mottoes shall meet the applicable design requirements as provided by statute.

Furthermore, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The amount of time each school devotes to this observance shall be at least one (1) hour or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period. The Board shall determine the specific activities to constitute observance in each school in the District after consulting with the school's administrators.

Professional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purposes of coercing participation. The Superintendent shall develop administrative guidelines which ensure that **require** any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student. **Wording of the Pledge of Allegiance as set forth in the United States Code shall not be altered.**

R.C. 3313.601, 3313.602, 3313.76, 3313.77
20 U.S.C. 4071 et seq.

Gregoire vs. Centennial School District, 907 F.2d 1366, (3rd Cir. 1990)
Lee vs. Weisman, 505 U.S. 577 (1992)

Revised 06/24/08

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NEW POLICY – VOLUME 28, NO. 2

FAMILY AND CIVIC ENGAGEMENT TEAM

The Board of Education shall establish a Family and Civic Engagement Team to serve as a continuing advisory group to the Board and administration.

The Team shall include parents, community representatives, health and human service representatives, business representative, and other representatives from within the District.

The purpose of the Team shall be to:

- A. work with the Cuyahoga County Family and Children First Council (R.C. 121.37) to recommend qualifications and responsibilities to be included in the job descriptions for school family and civic engagement coordinators;
- B. develop five (5) year family and civic engagement plans;
- C. provide annual progress reports on the development and implementation of the plan;

The Board shall submit the plan and annual progress reports to the Cuyahoga County Family and Children First Council; and

- D. advise and provide recommendation to the Board on matters specified by the Board.

This Superintendent shall develop administrative guidelines which will guide the working relationship between the District, the Team/Committee, and the community.

R.C. 121.37, 3313.821, 3313.822