

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title CREATING A POSITION
Code po4111
Status
Adopted November 9, 2009

4111 - CREATING A POSITION

The Board of Education recognizes the need to establish positions which, when filled by competent, qualified classified staff members, will assist the District in achieving the operational goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

] The Treasurer shall verify all new full-time and part-time employees' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Board reserves the right to:

- A.] create new positions;
- B.] specify the number of persons to be employed within each job category;
- C.] set the initial salary for a new position not currently covered by a valid negotiated, collectively-bargained agreement.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A.] the number of students enrolled;
- B.] the special needs of the community;
- C.] the special needs of the students;
- D.] the operational services of the District.
- E.] the financial status of the District.

© Neola 2009

Legal R.C. 3313.17, 3313.47, 3319.07, 3319.08
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255 a

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	BOARD-STAFF COMMUNICATIONS
Code	po4112
Status	
Adopted	November 9, 2009

4112 - **BOARD-STAFF COMMUNICATIONS**

The Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. Staff Communications to the Board

Communications from staff members to the Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's concerns, and actions.

C. Social Interaction

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Board Policy or the collective bargaining agreement.

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	CONFLICT OF INTEREST
Code	po4113
Status	
Adopted	November 9, 2009
Last Revised	December 10, 2015

4113 - **CONFLICT OF INTEREST**

- A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education's members, and the District's employees, officers and agents. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the School District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all District employees, officers and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, officers and agents.
1. No employee, officer or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
 2. Employees, officers and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.
- Included, by way of illustration rather than limitation are the following:
- a. the provision of any private lessons or services for a fee
 - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's or agent's employment or professional relationship with the District through his/her access to School District records
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
3. Employees, officers and agents shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship.
- C. Employees, officers and agents can not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers and agents can not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

x] However, pursuant to Federal rules, the School District has set standards for when an employee, officer or agent may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ 25 or less. ~~[END OF OPTIONAL LANGUAGE]~~

[DRAFTING NOTE: Section 200.318 allows for non-Federal entities (Districts) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In such a

~~situation, "nominal value" must be defined. The Ohio Licensure Code of Professional Conduct stipulates that no educator shall accept gifts of \$25 or more. The Ohio Ethics Commission does not list a monetary limit. Rather, it states that no public official shall accept a gift of value that could exert a substantial and improper influence upon a public official. The commission determines whether the value is "substantial" or "improper" on a case by case basis. The commission requires disclosure of gifts of \$75 or more each year by public officials.]~~

- D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
- E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

~~[DRAFTING NOTE: The School District has discretion over the appropriate disciplinary actions. For example, the School District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]~~

© Neola 2016

Legal

R.C. Chapter 102, 2921.42, 2921.43

Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03

2 C.F.R. 200.112, 200.113, 200.318

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title JOB DESCRIPTIONS
Code po4120.01
Status
Adopted November 9, 2009

4120.01 - **JOB DESCRIPTIONS**

The Board of Education recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional and classified staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain continuously a comprehensive, coordinated set of job descriptions for professional and classified staff positions.

All other job descriptions, other than the job descriptions for the Superintendent and Treasurer, shall be defined as guidelines of the Superintendent and will be originated and maintained in accordance with the provisions specified in the bylaws of the Board (See Bylaw 0131) and each shall contain the following provision:

"The employee shall remain free of any alcohol or nonprescribed controlled substance abuse in the workplace throughout his/her employment in the District."

] Employees will be evaluated, at least in part, against their job descriptions.

] Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

~~F] Each job description shall include the requirement that the staff member serve as a role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member's legal responsibility to help instill in students the belief in and practice of ethical principles and democratic values.~~

During the hiring process, the current job description for the position for which the individual(s) interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

From time-to-time, the Board further recognizes that the Superintendent may find it necessary to revise job descriptions.

] During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

In addition, the Superintendent shall prepare administrative guidelines necessary for the proper implementation of this policy.

© Neola 2004

Legal R.C. 3313.602

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title EMPLOYMENT OF SUBSTITUTES
Code po4120.04
Status

Book Policy Manual
Section 4000 Classified Staff
Title EMPLOYMENT OF SUBSTITUTES
Code po4120.04
Status Active
Adopted November 9, 2009
Last Revised November 18, 2013

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes its responsibility to procure the services of substitute classified staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Human Resources assistant.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he is evaluated by the relative staff member.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote.

The employment of substitute classified staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the District.

Retroactive employment shall be recommended to the Board at the next meeting.

In order to retain reliable assistance in the absence of regular classified personnel, the Board will offer competitive compensation to qualified substitutes.

Classified substitutes will be paid on a per diem basis at a rate set by the Board.

Substitutes may be required to undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health or the local health department.

Substitutes also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 4121).

© **Neola 2013**

Legal

R.C. 2909.34, 3319.291, 3319.39

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title EMPLOYMENT OF SUBSTITUTE EDUCATIONAL AIDES
Code po4120.05
Status

4120.05 - EMPLOYMENT OF SUBSTITUTE EDUCATIONAL AIDES

The Board of Education recognizes the need to procure the services of substitute educational aides/paraprofessionals in order to continue the operation of the schools as a result of the absence of regular personnel or to fill a temporary position created based on the needs of the District.

The Superintendent shall employ substitute educational aides/paraprofessionals for assignment as services are required to fill in for temporarily absent regular staff members or to fill vacant positions in accordance with this policy. Such assignment of substitutes may be terminated when their services are no longer required.

Substitute educational aides/paraprofessionals must have a valid educational aide permit issued by the Department of Education.

x] A substitute educational aide/paraprofessional may be hired for up to sixty (60) days while their application for an aide permit is pending if the Superintendent believes the employee is qualified to obtain a permit. An unlicensed educational aide/paraprofessional's service with the District will cease immediately when one of the following occurs:

- A. the individual's application for a permit is denied by the Department of Education; or
- B. sixty (60) days have passed following the date on which the employee began work as a substitute.

Substitutes also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 4121).

Substitutes may be required to undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health or the local health department.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

Daily substitutes shall not earn sick leave nor be paid for days when students are not required to attend school.

© **Neola 2017**

Legal R.C. 3319.088; 3319.36

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES
Code po4120.08
Status
Adopted November 9, 2009
Last Revised February 18, 2021

4120.08 - **EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees () may be members of the District's () classified staff () support staff () or individuals from the community or nearby areas. **[END OF OPTIONS]**

The Board authorizes the Superintendent to () recommend candidates for employment by the Board () ~~act for the Board in employing such part-time staff.~~ **[END OF OPTION]**

Each coach or activity sponsor shall hold a valid Pupil Activity Program Permit issued by the State Board of Education under R.C. 3319.303(A), have any other necessary qualifications, have been properly interviewed, and shall sign an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures. Such qualifications shall include completion of a sudden cardiac arrest training course approved by the Department of Health, in accordance with R.C. 3319.303. The qualifications shall also include completion of a student mental health training course approved by the Department of Mental Health and Addiction Services. The mental health training course may be combined with or part of another training course. Such training must be completed each time the individual applies for or renews a Pupil Activity Program Permit. An employee must submit a copy of an active Pupil Activity Program Permit to both the Treasurer/CFO and the Superintendent before the Board will pay any compensation.

No staff member employed in a position for which licensure or permit is required may be paid until evidence of such appropriate licensure or permit valid for the effective dates of such services has been received by the Superintendent and transmitted to the Treasurer.

~~F-21 The Board will not allow any prospective coach or activity sponsor to engage in supervision and/or coaching activities until such time that a valid Pupil Activity Permit for that individual is filed with the District.~~

Personnel must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 4121).

The Board may renew the contract of any nonlicensed individual, currently employed by the Board for one (1) or more years, without first offering the position held by that individual to employees of the District who are licensed individuals or advertising the position as available to any qualified licensed individuals who are not currently employed by the Board unless otherwise prohibited by a collective bargaining agreement.

© Neola 2023

Legal A.C. 3301-27-01, Ohio Ethics Commission Advisory Opinion 2008-01
R.C. 3313.53, 3319.291, 3319.303, 3319.36, 3319.39

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title VOLUNTEERS
Code po4120.09
Status

Book Policy Manual
Section 4000-Classified Staff
Title VOLUNTEERS
Code po4120.09
Status Active
Adopted November 9, 2009

~~4120.09~~ **VOLUNTEERS**

~~The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.~~

~~The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.~~

~~The Superintendent is to inform each volunteer that s/he:~~

~~X is required to abide by all Board policies and District guidelines while on duty as a volunteer (including, but not limited to, the volunteer's obligation to keep confidential and not release or permit access to any and all student personally identifiable information to which s/he is exposed except as authorized by law);~~

~~X will be covered under the District's liability policy but the District can not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;~~

~~X will be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services;~~

~~X may not accept compensation from any third party or source, including, but not limited to booster, parent, or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.~~

~~Furthermore, the Superintendent shall inform all volunteers who work or apply to work unsupervised with children on a regular basis of the need to display appropriate behavior at all times, and that they may be required to provide a set of fingerprints at any time so that a criminal records check can be conducted. If a criminal records check is then conducted, it will be done as a condition of continued service as a volunteer and will be at the volunteer's expense.~~

~~Unsupervised access to a child means that the person in question has access to a child and that either of the following applies:~~

~~X. No other person eighteen (18) years of age or older is present in the same room with the child.~~

~~B. If outdoors, no other person eighteen (18) years of age or older is within a thirty (30) yard radius of the child or has visual contact with the child.~~

~~If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to any of the offenses listed below and/or described in R.C. 109.572 (A)(1), the volunteer will be informed either that the Board is no longer interested in maintaining his/her volunteer service or that the volunteer will be assigned to duties for which s/he will not work unsupervised with children.~~

~~The Superintendent shall inform each volunteer of the District's appreciation for his/her time and efforts in assisting in the operation of the schools and for his/her understanding with regard to the need for all volunteers to be subject to possible criminal records check.~~

~~Offenses~~

~~No person is to be accepted or maintained as a volunteer if s/he has been convicted of any of the following offenses:~~

~~A. aggravated murder, murder, voluntary manslaughter, involuntary manslaughter~~

~~B. felonious assault, aggravated assault, assault~~

~~C. failing to provide for a functionally impaired person~~

~~-~~

~~D. aggravated menacing~~

~~-~~

~~E. patient abuse or neglect~~

~~-~~

~~F. kidnapping, abduction, child stealing, criminal child enticement~~

~~-~~

~~G. rape, sexual battery, corruption of a minor, gross sexual imposition, sexual imposition, importuning, voyeurism, public indecency, felonious sexual penetration, compelling prostitution, promoting prostitution, procuring prostitution, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of minor in nudity oriented material or performance~~

~~-~~

~~H. aggravated robbery, robbery~~

~~-~~

~~I. aggravated burglary, burglary~~

~~-~~

~~J. abortion without informed consent~~

~~K. endangering children~~

~~-~~

~~L. contributing to the delinquency of children~~

~~M. domestic violence~~

~~N. carrying concealed weapons, having weapons while under disability, improperly discharging firearm at or into a habitation or school~~

~~-~~

~~O. corrupting another with drugs~~

~~-~~

~~P. trafficking in drugs~~

~~-~~

~~Q.illegal manufacture of drugs or cultivation of marijuana~~

~~R.funding of drug or marijuana trafficking~~

~~S.illegal administration or distribution of anabolic steroids~~

~~T.drug possession offenses (that are not a minor drug possession offense)~~

~~U.placing harmful objects in or adulterating food or confection~~

~~V.felony~~

~~W.an offense of violence~~

~~X.a theft offense (as defined in R.C. 2913.01)~~

~~-~~

~~Y.a drug offense (as defined in R.C. 2925.01, that is not a minor misdemeanor)~~

Legal

~~R.C. 109.574-7, 121.401-2, 3327.16, 3313.203, 3319.321~~

~~20 U.S.C. 1232g, 34 C.F.R. Part 99~~

Book Neola Policy Templates for Catch Up

Section Board Approved Policies 4000s

Title EMPLOYMENT OF CLASSIFIED STAFF

Code po4120

Status

Adopted November 9, 2009

Last Revised February 18, 2021

4120 - EMPLOYMENT OF CLASSIFIED STAFF

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation and establish the term of employment for each classified staff member employed by the Board.

Individuals employed in the following categories shall be considered members of the classified staff:

- A. custodians
- B. cooks
- C. bus drivers
- D. mechanics
- E. aides
- F. secretaries
 maintenance

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

~~Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.~~

~~When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.~~

All applications for employment shall be completed online referred to the _____.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he is supervised directly by the relative staff member.

~~The Board will not employ (but may reemploy) the~~

~~children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a Board member.~~

~~children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a regular full-time classified staff member.~~

Applications for employment will not be accepted from any current Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application, and the Board member must not use or attempt to use his/her official authority or influence to secure the employment position.

Any classified staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of classified staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

When appropriate, no candidate for employment as a classified staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification/licensure or that application for such certification/licensure is in process.

Classified staff members also must pass a background check performed by the Bureau of Criminal Identification and Investigation (see Policy 4121).

The Superintendent shall prepare procedures for the recruitment and selection of all classified staff.

REQUIREMENTS FOR TITLE I PARAPROFESSIONAL

Educational aides/paraprofessionals assigned to provide academic support in a core subject area to any student in any program supported by Title I funds must be properly certified as required by the Elementary and Secondary Education Act, as amended ("ESEA") and State law. A properly certified paraprofessional is defined as an individual who holds a valid educational aide permit and who meets at least one (1) of the following criteria:

- A. has a designation of "ESEA qualified" on the educational aide permit
- B. has successfully completed at least two (2) years of coursework at an accredited institution of higher education
- C. holds an associate degree or higher from an accredited institution of higher education
- D. meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education

"Core subject areas" include Reading, English Language Arts, Mathematics, Science, Social Studies, Foreign Language, and Fine Arts.

Exceptions - These requirements do not apply to a paraprofessional:

- A. Who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. Whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties - Paraprofessionals working for a Title I supported program may be assigned to duties not inconsistent with the following:

- A. providing one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assisting with classroom management, such as organizing instructional and other materials;
- C. providing assistance in a computer laboratory;
- D. providing support in a library or media center;
- E. conducting parental involvement activities;
- F. acting as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher; a paraprofessional will be considered to be working under the "direct supervision" of a teacher if the:
 - 1. teacher plans the instructional activities that the paraprofessional carries out;
 - 2. teacher evaluates the achievement of the students with whom the paraprofessional is working;
 - 3. paraprofessional works in close and frequent physical proximity to the teacher;
- H. performing limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

The Superintendent shall report State certification and licensure status for every paraprofessional at least annually in accordance with State and Federal law. At the start of the school year, the Superintendent shall notify parents/guardians of each student enrolled in the District that they may request information about the professional qualifications of each paraprofessional who provides services to the student. Upon request of the parent/guardian, the District will provide information about each assigned paraprofessional in a timely manner. The information will include the qualifications of the paraprofessional(s) assigned to work with the student.

Confirmation of Licensure

No staff member employed in a position for which licensure is required (e.g. paraprofessional) may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

The provisions as set forth above do not apply to paraprofessionals providing non-instructional service such as providing technical support for computers, providing personal care services, or performing clerical duties.

© Neola 2020

Legal R.C. 3319.074, 3319.081, 3319.082, 3319.39
A.C. 3301-83-07
ESEA 1112

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	CRIMINAL HISTORY RECORD CHECK
Code	po4121
Status	
Adopted	November 9, 2009
Last Revised	May 10, 2010

4121 - **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.

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) 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.

~~x]~~ The Board ~~may~~ authorizes the Educational Service Center to undertake the criminal history check for individuals the Board may employ.

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

Any information and records obtained from such inquiries are not public records and shall be kept confidential and not released or disseminated.

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.

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.~~

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) or A.C. 3301-83-23(A)(6)(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.~~

© Neola 2018

Legal

R.C. 109.57, 109.572, 2950, 2953.32, 3319.39, 3301.541, 3319.291, 3319.31

R.C. 3319.311, 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, 3301-83-23, 4501-1-05

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title DRUG-FREE WORKPLACE
Code po4122.01
Status
Adopted November 9, 2009

4122.01 - DRUG-FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which

Option 1 (needed only if Federal funds come directly from Washington)

meets the requirements in the Drug Free Workplace Act.

~~In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's classified staff at any time while on District property or while involved in any District related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.~~

~~The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements but which also comply or do not interfere with collective bargaining agreements.~~

[END OF OPTION #1]

Option 2 (applies to most schools)

is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's classified staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

[END OF OPTION #2]

© Neola 1996

Legal 41 U.S.C. 701, et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224A

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02
Status	
Adopted	May 10, 2010
Last Revised	April 14, 2012

4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

[] The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

[] The District offers health services, () including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]

© Neola 2011

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code po4122
Status
Adopted November 9, 2009
Last Revised August 19, 2021
Last Reviewed August 19, 2021

4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

Definitions:

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

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

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

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

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

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

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "COs").

Assistant Superintendent
(School District Title)

740-965-3010
(Telephone Number)

110 Tippet Court Sunbury, Ohio 43074
(Office Address)

civilrights@bwls.net
(E-mail Address)

Director of Student Services
(Name)

740-965-3010
(School District Title)

(Telephone Number)

110 Tippet Court Sunbury, Ohio 43074
(Office Address)

civilrights@bwls.net

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

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

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

in the staff handbooks.

in the School District Annual Report to the public.

on each individual school's web site.

in the School District's calendar.

_____.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~Any sections of the District's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts. [END OF OPTION]~~ A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level official who receives such a report shall file it with the CO within two (2) days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

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

Informal Complaint Procedure

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

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

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

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

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

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

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concern to the Respondent.
- B. Distributing a copy of Policy 4122 - Nondiscrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

Formal Complaint Procedure

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

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

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

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

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

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

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Nondiscrimination and Equal Employment Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

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

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

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

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, and effective, and tailored to the specific situation.

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

OR

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

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

[END OF OPTIONS]

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

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

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

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), 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 shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation 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 an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retention of Investigatory Records and Materials

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

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

~~[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

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

~~R.(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

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

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

© Neola 2021

Legal

R.C. 4112.01, 4112.02

A.C. 3301-35-03(A)

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

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

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

34 C.F.R. Part 110 (7/27/93)

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

42 U.S.C., 2000e, et seq., Civil Rights Act of 1964

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code po4123
Status
Adopted November 9, 2009
Last Revised August 19, 2021

4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further 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.

"An individual with a disability" means a person who has, had 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, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

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 limits 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 (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Assistant Superintendent
(School District Title)

740-965-3010
(Telephone Number)
110 Tippet Court Sunburv. Ohio 43074

(Office Address)

civilrights@bwls.net
(E-mail Address)

Director of Student Services
(Name)

740-965-3010
(School District Title)

(Telephone Number)

110 Tippet Court Sunbury, Ohio 43074
(Office Address)

civilrights@bwls.net
(E-mail Address)

~~IDRAFTING NOTE: Neola suggests the Board appoints both a male and a female District Compliance Officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) District Compliance Officers, there should always be a Compliance Officer available to investigate a claim that pertains to the other Compliance Officer.]~~

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the School District's web site ~~()~~ and:

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

The District Compliance Officer(s) ~~()~~ is **(x)** are 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, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) 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.

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

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.

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 District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

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

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.
- C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Retaliation

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

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

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

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

© **Neola 2021**

Legal

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

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	EMPLOYMENT CONTRACT
Code	po4124
Status	
Adopted	November 9, 2009
Last Revised	February 18, 2021

4124 - **EMPLOYMENT CONTRACT**

~~[] (City)~~

~~For classified employees newly hired into a position covered by the civil service laws,~~

~~() but not a part of a bargaining unit represented by a recognized labor representative,~~

~~a probationary period of ___ days will be served. Following successful completion of the said probationary period, such classified employees will become permanent employees and subject to removal in accordance with civil service law.~~

~~] For classified staff who are employed in positions within a recognized bargaining unit, employment contracts and sequence will be determined in accordance with the terms and conditions set forth in the collective bargaining agreement.~~

~~Unclassified civil servants are "at will" employees.~~

~~**[Drafting Note: If not already clearly established, to determine the number of days between sixty (60) and one (1) year for your District's probationary period, you will need to contact your municipal civil service commission. If you have opted out of civil service and/or there is no active civil service in your jurisdiction, the Board may choose to set that number within those parameters. Nothing precludes a board from setting the number of days for these employees in concert with the terms set forth in a collective bargaining agreement with a union; however, the parameters remain between sixty (60) days and one (1) year.]**~~

~~[END OF CITY OPTION]~~

[x] (Local)

The Board requires for the mutual protection of the District and the classified staff member that every newly employed person in a classified position including regular hourly rate and per diem classified staff sign an initial employment contract for a period of not more than one (1) year.

The employment contract shall include the term for which employment is contracted, the salary, and such other matters as may be necessary to a full and complete understanding of the contract. In order to ensure employment, the applicant must sign the contract and abide by the policies of the Governing Board which pertain to him/her.

If classified staff are rehired, their three (3) subsequent contracts shall be for a period of two (2) years each. At the end of the third of these two (2) year contracts, if the classified staff member is renewed, it will be under a continuing contract.

Notice of the Board's intention not to re-employ a classified staff member shall be given on or before the first day of June.

Annual salary notices for the succeeding contract year shall be provided to classified staff no later than the first day of July.

Salaries provided to classified staff by contract may not be reduced unless such reduction is part of a uniform plan affecting the nonteaching employees of the entire District.

~~**[Drafting Note: Most collective bargaining agreements with non-teaching unions are silent on the issue of contract sequence and renewal/nonrenewal. If so, this policy provides local districts with concise language that parallels the law. However, if your agreement spells out a different sequence (for example, a probationary period followed by continuing contract status) then an additional sentence should be added:]**~~

[x] For classified staff who are employed in positions within a recognized bargaining unit, employment contracts and sequence will be determined in accordance with the terms and conditions set forth in the collective bargaining agreement.

~~[END OF LOCAL OPTION]~~

Legal

R.C. 3319.081, 3319.082, 3319.083

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title ASSIGNMENT AND TRANSFER
Code po4130
Status

Book Policy Manual
Section 4000 Classified Staff
Title ASSIGNMENT AND TRANSFER
Code po4130
Status Active
Adopted November 9, 2009

4130 - **ASSIGNMENT AND TRANSFER**

See negotiated agreement.

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	REDUCTION IN STAFF
Code	po4131
Status	
Adopted	November 9, 2009

4131 - **REDUCTION IN STAFF**

It is the responsibility of the Board of Education to provide appropriate staffing levels for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to reduce positions and to suspend the contracts of staff members pursuant to such reduction whenever reasons of decreased enrollment of students, return to duty of regular classified staff members after leaves of absence, suspension of schools or territorial changes affecting the District, or financial reasons so warrant. In lieu of suspending an entire contract, the Board may suspend the contract of a staff member in part and provide a level of compensation commensurate with the percentage of work performed.

In making any such reduction, the Board will suspend contracts in accordance with the recommendation of the Superintendent who shall, within each pay classification affected, give preference first to employees on continuing contract and then to employees on the basis of seniority.

Continuing contract employees whose contracts are suspended shall have a right to restoration of employment in order of seniority of service in the District if a non-teaching position for which the employee is qualified becomes vacant or is created. Such continuing contract employees will not forfeit such right to restoration by reason of having declined recall to a position with fewer hours.

x] For covered employees, such reduction shall be in accordance with the terms of the negotiated, collectively-bargained agreement(s) entered into prior to September 29, 2005. Reductions occurring under collective bargaining agreements entered into by the District after September 29, 2005, will be in accordance with the terms of the collective bargaining agreement(s), but only to the extent that such terms do not conflict with the requirements of Section 3319.172 of the Ohio Revised Code as described above.

© **Neola 2005**

Legal	R.C. 3319.172
-------	---------------

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title SUSPENSION DURING PENDING CRIMINAL ACTIONS
Code po4138
Status
Adopted November 9, 2009

4138 - SUSPENSION DURING PENDING CRIMINAL ACTIONS

The Superintendent 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. 3319.31(B)(1).

If the individual arrested, summoned, and/or indicted for any of the crimes listed under R.C. 3319.39(B)(1) is a person whose duties are assigned by the Treasurer under R.C. 3313.31(B), the Treasurer shall immediately suspend the person from all duties that require the care, custody, or control of a child while the criminal action is pending.

In addition, in accordance with State law and Policy 3138, the Superintendent shall immediately suspend any 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 listed under R.C. 3319.31(C).

© Neola 2008

Legal R.C. 3319.40

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title TERMINATION AND RESIGNATION
Code po4140
Status
Adopted November 9, 2009

4140 - **TERMINATION AND RESIGNATION**

The employment of a classified staff member may, upon a majority vote of the Board of Education, be suspended and/or terminated for violation of Board policies and in accordance with the criteria and procedures set forth in the

- Civil Service rules,
- Ohio Revised Code,
- applicable terms of any collectively bargained agreement,

as appropriate.

~~It is the policy of the Board that classified staff who are not going to be rehired be given an opportunity to resign.~~

Any classified employee who fails to maintain a required license, certificate or permit throughout the term of employment will be immediately suspended without pay and such failure is grounds for termination.

A classified staff member under contract may resign by filing a written resignation with the Treasurer or the Superintendent at least thirty (30) days prior to the effective date of the resignation, unless an earlier date is permitted by the Board.

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

Reporting Professional Misconduct

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 certain classified 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), in those specific circumstances set forth in State law and Policy 8141, including a conviction of the staff member of certain enumerated crimes and/or in conjunction with the non-renewal or termination of a licensed staff member, or resignation by a licensed staff member under threat of same and/or during the course of an investigation, for conduct which is determined to be unbecoming to the teaching profession. Reports of any investigation regarding whether or not a licensed classified staff member has committed an act or offense for which the Superintendent is required to make a report to the Ohio Department of Education shall be kept in the personnel file of the classified 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 classified employee's license or permit, the report(s) of any investigation will be moved to a separate public file.

© Neola 2018

Legal R.C. 3319.081, 3319.31, 3319.313, 3319.39
 A.C. 3301-73-21

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title PHYSICAL EXAMINATION
Code po4160
Status
Adopted November 9, 2009
Last Revised April 4, 2012

4160 - PHYSICAL EXAMINATION

The Board of Education, acting through the Superintendent reserves the right to require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine his/her physical and/or mental capacity to perform the essential functions of the position, with or without reasonable accommodation, provided that the Board has required previous successful candidates for the same position (or job classification) to do so. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of the negotiated, collectively-bargained agreements.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent, and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2).

] Option #1

Such report should indicate whether the candidate can perform the essential functions of the position, with or without reasonable accommodation.

] Option #2

~~Such report should include a comprehensive report of the medical examination.~~

[NOTE: END OF OPTIONS]

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent or his/her designee may discuss the results of the report with the health care provider who conducted the medical examination prior to the Superintendent making a recommendation to the Board.

The Board may require, at initial employment, that all classified staff members undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health, the local health department, or the District medical advisor.

The Board shall pay for required examinations.

© Neola 2011

Legal R.C. 3313.71
29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
A.C. 3701-15-02

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po4161
Status	
Adopted	November 9, 2009
Last Revised	April 4, 2012

4161 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

The Board of Education may place a classified staff member on unrequested leave of absence for physical or mental inability when the staff member is unable to perform assigned duties.

If the Superintendent believes the staff member is unable to perform assigned duties, the classified staff member will be offered the opportunity for a meeting to discuss these issues.

Prior to placing a classified staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider determined by the District. The results of any such examination shall be treated as a confidential medical record and will be used only in compliance with law.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the classified staff member is found to be unable to perform assigned duties and no reasonable accommodations are available, the classified staff member may be placed on involuntary leave of absence for a period not to exceed two (2) consecutive school years.

A classified staff member subject to an unrequested leave of absence is entitled to a hearing as provided for in State law or the terms of an applicable collective bargaining agreement.

© Neola 2011

Legal	R.C. 3319.13, 3319.16
	29 C.F.R. Part 1630
	29 C.F.R. Part 1635
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
Code	po4162
Status	
Adopted	November 9, 2009
Last Revised	November 17, 2016

4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term *CDL license holder* means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.
- F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Board expects all CDL license holders to comply with Board Policy 4122.01 on Drug-Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

] OPTION #1

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, (Controlled Substances Only), b.) for reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) post-accident, e.) on a random basis, and f.) on a follow-up basis.

] OPTION #2

~~The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, b.) for reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) post accident, e.) on a random basis, and f.) on a follow up basis.~~

~~[] Candidates shall also be tested for the presence of alcohol in their system prior to employment.~~

[END OF OPTIONS]

Any staff member who tests positive shall immediately be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle) and be referred to the District's Employee Assistance Program.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program.

the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

Staff members who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program, and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

If a staff member admits to failing a previous drug or alcohol test, or has refused to test, the staff member will not be permitted to perform safety-sensitive functions until completing the return-to-duty process.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

- A. reports for duty or performs work while having an alcohol concentration of 0.04 or greater or performs safety-sensitive functions within four (4) hours after using alcohol
- B. reports for duty or performs work while testing positive for using a controlled substance, or while being under the influence of a controlled substance
- C. refuses to disclose any therapeutic drug use or submit to drug and/or alcohol testing
- D. alters or attempts to alter or unduly influence alcohol and/or drug testing results
- E. fails to remain readily available for post-accident testing (including refraining from the use of alcohol for eight (8) hours following the accident or until undergoing a post-accident alcohol test, whichever occurs first, and notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care)

Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program which will inform each CDL license holder about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 -Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- C. the topics identified in AG 4162A;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide specific written consent before his/her test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials that discuss the employer's policies and procedures with respect to post-accident information and positive test results, among other things, at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates the (x) Transportation Director as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. the contact information for the (x) Transportation Director, who is the individual designated by the Board to answer questions about the educational materials
- B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances
- C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- D. information concerning prohibited conduct
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences
- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol and/or controlled substances problem is suspected (including confrontation and how to refer someone to an

Employee Assistance Program or to management), and

- L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse
- M. indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member will receive a copy of the educational materials and must sign a statement certifying receipt of such materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and a labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

© Neola 2020

Legal	49 C.F.R. Part 382
	49 C.F.R. Part 40
	34 C.F.R. Part 84

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	SUBSTANCE ABUSE
Code	po4170
Status	
Adopted	November 9, 2009

4170 - **SUBSTANCE ABUSE**

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of classified staff. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

A classified staff member having an illness or other problem relating to the use of alcohol or other drugs including, controlled substances, medications not prescribed by the employee's physician, or medications not taken as prescribed, will receive the same careful consideration and offer of assistance that is presently extended to classified staff having any other illness.

The responsibility to correct unsatisfactory job performance, attendance or behavioral problems resulting from a suspected health problem rests with the classified staff member. Additionally, regardless of whether a classified staff member has an illness or other problem relating to the use of alcohol or other drugs it remains the responsibility of the classified staff member to report to work and perform his/her duties in a fit and appropriate condition at all times. Being under the influence of alcohol or other drugs while on duty, on school property, or at a school related activity/event is not acceptable. Failure to correct unsatisfactory job performance, attendance or behavior and/or working or reporting to work under the influence of alcohol or other drugs for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board, up to and including termination.

If a classified staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Workers Compensation Act. If the classified staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption). The Board directs the Superintendent to establish guidelines and post a notice advising employees that the results of, or the employees refusal to submit to an alcohol or other drug test may affect an employee's right to receive workers' compensation benefits.

If a classified staff member voluntarily requests counseling or assistance before the Board learns of the classified staff member's substance abuse problem (through a positive test result or otherwise), the classified staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. A classified staff member may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Classified staff who suspect they may have an alcoholism or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

© Neola 2004

Legal R.C. 2925.01 et seq., 3313.60, 3719.01 et seq., 3793.02, 4123.54
Rehabilitation Act of 1973, 29 U.S.C. 794

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title STAFF ETHICS
Code po4210
Status
Adopted November 9, 2009

4210 - STAFF ETHICS

An effective educational program and successful operation of the District requires the services of individuals with integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all classified staff members to maintain high standards in their working relationships, and in the performance of their duties, to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. refuse to accept anything of value offered by another for the purpose of influencing judgment;
- H. refuse to accept compensation from any other source, other than the Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation;
- I. refrain from using his/her position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This will in no way limit constitutionally or legally protected rights as a citizen.)

© Neola 2008

Legal Ohio Ethics Commission Advisory Opinion 2008-01

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title WHISTLEBLOWER PROTECTION
Code po4211
Status
Adopted November 9, 2009
Last Revised July 8, 2013

4211 - WHISTLEBLOWER PROTECTION

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the immediate supervisor will ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud. This reporting mechanism may be used either in addition to or instead of filing a written report with the employee's supervisor or other District authority.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

© Neola 2012

Legal R.C. 4113.52

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	STUDENT SUPERVISION AND WELFARE
Code	po4213
Status	
Adopted	November 9, 2009

4213 - **STUDENT SUPERVISION AND WELFARE**

Classified staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and responsibilities are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. Each classified staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. Each classified staff member shall immediately report to a building administrator any knowledge of threats of violence by students.
- C. A classified staff member shall not send students on any personal errands.
- D. A classified staff member shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.
- E. If a student approaches a classified staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the classified staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a classified staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such classified staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- F. A classified staff member shall not transport students in a private vehicle without the approval of a building administrator.
- G. A student shall not be required to perform work or services that may be detrimental to his/her health.
- H. Classified staff members shall not engage students in electronic communication via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., at any time unless such communication has been specifically authorized by the student's principal.
- I. Classified staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc.

] Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each classified staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

© Neola 2011

Legal R.C. 2907.03

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title STAFF GIFTS
Code po4214
Status
Adopted November 9, 2009

4214 - **STAFF GIFTS**

The Board of Education considers the presentation of gifts to classified staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that

~~() classified staff members not accept gifts from students or parents.~~

classified staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. However, at no time may a staff member accept compensation from any other source, other than the Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Classified staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, classified staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, classified staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual classified staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a classified staff member receives such compensation, albeit unsolicited, from a vendor, the classified staff member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer.

© Neola 2008

Legal Auditor of State Bulletin 2000-006, Ohio Ethics Commission Advisory Opinion 2008-01

Book Neola Policy Templates for Catch Up

Section Board Approved Policies 4000s

Title Vol. 41, No. 2 - Tobacco - January 2023 Revised TOBACCO USE PREVENTION

Code po4215

Status

Adopted November 9, 2009

Revised Policy - Vol. 41, No. 2

4215 - ~~USE OF TOBACCO BY CLASSIFIED STAFF~~ TOBACCO USE PREVENTION

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

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

The term "tobacco" includes any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means; including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; an e-cigarette (including, but not limited to, "JUUL", "NJOY," "BREEZE," "Puff Bar," etc.); e-cigar, e-pipe, vape pen, or e-hookah; any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's," "NJOY", "Puff Bar", etc.); but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

~~In order to protect students and staff who choose not to smoke or use tobacco from an environment noxious to them, and because the Board does not condone smoking or the use of tobacco, the~~ The Board prohibits the use of tobacco or tobacco substitute products by ~~classified staff members~~ employees at all times

(twenty-four (24) hours a day, seven (7) days a week) ~~[END OF OPTION]~~

within any enclosed facility owned, ~~or leased,~~ or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to

school grounds,

athletic facilities, and

any school-related event,

~~() on or off Board premises~~

~~() except at designated times~~

~~() and in designated areas as defined in statute and by Ohio's Smoke Free Workplace Program.~~

~~[END OF OPTIONS]~~

The Superintendent shall require the posting of signs as required by R.C. 3794.06 and as specified by the Ohio Department of Health.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco advertising is prohibited on school grounds, in all school-sponsored publications, and at all school-sponsored events. **[END OF OPTION]**

Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters, and other personal articles are not permitted on school grounds, in school vehicles, or at school-sponsored events. **[END OF OPTION]**

~~[] Education and Training~~

~~Training will be provided on this policy and associated resources. Information will be provided on cessation resources, including the free Ohio Tobacco Quit Line.~~ **[END OF OPTION]**

Enforcement

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable Collective Bargaining Agreement and/or in accordance with policies of the Board.

© Neola 2019-23

Legal

A.C. 3701-52

R.C. 3313.20, 3313.47, 3313.751, 3794 et seq.

20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title STAFF DRESS AND GROOMING
Code po4216
Status
Adopted November 9, 2009

4216 - **STAFF DRESS AND GROOMING**

The Board of Education believes that classified staff members, like professional staff members, set an example in dress and grooming for students to follow. Staff members who understand this precept and adhere to it enlarge the importance of his/her task and present an image of dignity and professionalism.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all classified staff members shall:

- A. be physically clean, neat, and well-groomed;
- B. dress in a manner consistent with their assigned responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

~~11 The Board recognizes classified staff members' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.~~

© Neola 2022

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title EVALUATION OF CLASSIFIED STAFF
Code po4220
Status
Adopted November 9, 2009

4220 - EVALUATION OF CLASSIFIED STAFF

The Board of Education recognizes the importance of implementing a program of classified staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for classified personnel are to:

- A. improve and reinforce the skills, attitudes, and abilities which enable a classified staff member to be effective in achieving assigned job goals;
- B. identify and remediate weaknesses which prevent a classified staff member from achieving the goals of assigned duties;

© Neola 2009

Legal R.C. 3319.081
 A.C. 3301-35-03 (A)

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title OUTSIDE ACTIVITIES OF CLASSIFIED STAFF
Code po4231
Status
Adopted November 9, 2009

4231 - OUTSIDE ACTIVITIES OF CLASSIFIED STAFF

Staff members should avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the School System, the Superintendent and Board of Education shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities.

- A. Staff members may not dedicate work time to an outside interest, activity, or association.
- B. Staff members may not use school property or school time to solicit or accept customers for private enterprises.
- C. Staff members may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the staff member has obtained or may obtain by reason of his/her position or authority.
- D. Staff members may not campaign on school property during working hours on behalf of any political issue, or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens is reserved to all employees.
- E. Staff members should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

© Neola 2006

Legal R.C. 3313.20

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title STAFF DEVELOPMENT
Code po4242
Status

Book Policy Manual
Section 4000 Classified Staff
Title STAFF DEVELOPMENT
Code po4242
Status Active
Adopted November 9, 2009

4242 - **STAFF DEVELOPMENT**

The Board of Education believes that training is a prerequisite for continued growth of staff and, therefore, encourages the participation of classified staff members in in-service and other training programs.

The Superintendent may plan and implement a program of in-service training for classified staff members and explore other training programs.

The Board may reimburse staff members for the costs incurred in participation therein, subject to prior approval of the Superintendent. However, under no circumstances will staff members be reimbursed for the purchase of alcoholic beverages.

Participation in the program shall be voluntary unless considered part of the duties of any participating staff member according to provisions in a negotiated, collectively-bargained agreement or other contractual arrangements.

Book Neola Policy Templates for Catch Up

Section Board Approved Policies 4000s

Title USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Code po4281

Status

Adopted November 9, 2009

4281 - **USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL**

From time-to-time, Board of Education employees may wish to bring personal property to school either for reasons associated with classified responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must complete Form 4281 F1, Board Notification of Personal Property Being Brought Onto District Premises for Work-Related Purposes, and notify the building principal prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

~~1] If the employee's building principal or supervisor request an employee bring a certain piece of equipment or tool to school in order to complete a specific task, and the employee completes Form 4281 F1, Board Notification of Personal Property Being Brought Onto District Premises for Work-Related Purposes, the personal property may be covered by the Board's property insurance policy during the period of time referenced on the form, subject to deductibles and limitations of District insurance coverage.~~

] Board employees are permitted to possess personal communication devices (e.g., cellular telephones) at work in accordance with Policy 7530.01.

] Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Board receives from its use.

© Neola 2007

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	THREATENING BEHAVIOR TOWARD STAFF MEMBERS
Code	po4362.01
Status	
Adopted	November 9, 2009

4362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

© **Neola 2009**

Legal	R.C. 2917.11
-------	--------------

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	ANTI-HARASSMENT
Code	po4362
Status	
Adopted	November 9, 2009
Last Revised	August 19, 2021
Last Reviewed	August 19, 2021

4362 - **ANTI-HARASSMENT**

General Policy Statement

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

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

Other Violations of the Anti-Harassment Policy

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

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

Definitions

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

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

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

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

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

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

Bullying

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or

physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

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

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

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

Sexual Harassment

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

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

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

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

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

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

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; (x) obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- M. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

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

Race/Color Harassment

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

Religious (Creed) Harassment

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

National Origin/Ancestry Harassment

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

Disability Harassment

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

Anti-Harassment Compliance Officers

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

Assistant Superintendent
 740-965-3010
 110 Tibbett Court
 Sunbury, OH 43074
www.bwls.net

Director of Student Services
 740-965-3010
 110 Tibbett Court
 Sunbury, OH 43074

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

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

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

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

The Compliance Officer(s) ~~()~~ is ~~(x)~~ are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

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

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

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

Reports and Complaints of Harassing Conduct

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

Members of the School District community and Third Parties who believe they have been unlawfully harassed by another member of the School District community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or

extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 4362 F1)

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

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

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

Informal Complaint Procedure

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

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

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

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

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

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

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

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

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

Formal Complaint Procedure

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

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint

within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer within two (2) business days.

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

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

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

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

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

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

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

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

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

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

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

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

OR

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

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

~~[END OF OPTIONS]~~

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

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

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

Privacy/Confidentiality

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

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

Sanctions and Monitoring

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

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

Retaliation

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

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

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

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

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

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

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

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

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

Education and Training

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

Retention of Investigatory Records and Materials

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

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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

~~[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

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

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

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

© Neola 2021

- Legal
- R.C. 4112.02
 - 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
 - 20 U.S.C. 1681 et seq.
 - 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
 - 29 U.S.C. 794, Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

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

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

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

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

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

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS
Code PO4419.01
Status

~~Book Policy Manual~~
~~Section 4000-Classified Staff~~
~~Title PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS~~
~~Code po4419.01~~
~~Status Active~~
~~Adopted October 9, 2014~~

~~4419.01 PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS~~

~~The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:~~

~~Medical Plan~~

~~Prescription Drug Plan~~

~~Dental Plan~~

~~Vision Plan~~

~~The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.~~

~~The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~

~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board, necessary amendments to the policies and procedures.~~

~~The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the Administrative Guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his or her progress to the Board upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official.

© Neola 2014

Legal

29 C.F.R. Part 1635

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

42 U.S.C. 1320d-5(a)(1)

45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)

Book Neola Policy Templates for Catch Up

Section Board Approved Policies 4000s

Title PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

Code po4419.02

Status

Adopted November 9, 2009

Last Revised October 9, 2014

4419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan
- E. Employee Assistance Plan
- ~~X~~ Long term Care Plan (not long term disability)
- ~~X~~ [Other, specify] _____

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

© Neola 2016

Legal 42 U.S.C. 1320d-5 et seq.
 45 C.F.R. 160.102(a)
 45 C.F.R. 164.308, 164.308(a)(2)
 45 C.F.R. 164.530, 164.530(a), 164.530(i)

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title PATIENT PROTECTION AND AFFORDABLE CARE ACT
Code po4419.03
Status

4419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

© Neola 2016

Legal 29 USC 218B
26 USC 4980H

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title GROUP HEALTH PLANS
Code po4419
Status

4419 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

[] [OPTION #1]

~~The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.~~

~~[] Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional () monthly () quarterly compensation equal to ()% of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer. **[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service].**~~

[] [OPTION #2]

~~The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act.~~

[END OF OPTION #2]

© Neola 2016

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	FMLA LEAVE
Code	po4430.01
Status	
Adopted	November 9, 2009
Last Revised	December 10, 2015

4430.01 - 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 military member 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 is defined in AG 4430.01.

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") as described more fully in AG 4430.01.

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. ~~(-) and are employed at a work site where fifty (50) or more employees are employed by the Board within seventy five (75) miles of that work site. [NOTE: only include this option if it is possible an employee in the District may not meet this criteria; in most, if not all, school districts in Ohio, this criteria will be met.]~~ Months and hours that employees who performed USERRA-covered service 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 USERRA-covered service obligation, or a written agreement **[NOTE: this includes a collective bargaining 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 calendar year.~~

~~(-) a fixed twelve (12) month period (i.e. the "leave year" is identical for all staff members — e.g. a fiscal year or calendar year).~~

~~(-) 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).~~

a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (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 inpatient care or continuing treatment by a healthcare 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 therefor, 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.
- B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity experienced by an expectant mother 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 healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider for a.) restorative surgery after an accident, or other injury or b.) 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 healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g. physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the healthcare provider.
 - a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
 - 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 healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
 2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for 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 healthcare provider, or by a nurse under direct supervision of a healthcare 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 healthcare 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 healthcare provider.
- C. Conditions for which cosmetic treatments 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.

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) under Qualifying Reasons for FMLA and Military Family Leave (A) or (B). A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated under Qualifying Reasons for FMLA and Military Family Leave in (C) and (D). A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason under Qualifying Reason for FMLA and Military Family Leave (E)). 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 healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) under Qualifying Reasons for FMLA and Military Family Leave, 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.

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) days 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 healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave is 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.

Substitution of Paid Leave

] The Board shall require the staff member

] The staff member may request

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 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.

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. ~~[NOTE: If the essential job functions are not provided at this time, they must be provided with the Designation Notice Form.]~~ If the 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. ~~[NOTE: If a handbook or other written document clearly provides that fitness for duty certification will be required in specific circumstances, the Board's designee may provide only oral notice of this requirement.]~~

Only one (1) 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 eligible spouses 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) under Qualifying Reasons for FMLA and Military Family Leave, or to care for the staff member's parent who has a serious health condition.

Where the spouses both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) under Qualifying Reasons for FMLA and Military Family Leave, or to care for a parent, the spouses 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 eligible spouses 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) under Qualifying Reasons for FMLA and Military Family Leave, 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.

Certification

When FMLA leave is taken for either reason (C) or (D) under Qualifying Reasons for FMLA and Military Family Leave, the staff member must provide medical certification from the healthcare 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 healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare 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 healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent;
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

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

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 healthcare 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 healthcare provider, human resource professional, leave administrator, management official - 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) under Qualifying Reasons for FMLA and Military Family Leave, 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.

[x] A staff member who takes leave for reason (D) under Qualifying Reasons for FMLA and Military Family Leave, 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. **NOTE: If this option is selected, it must be uniformly applied to all similarly situated employees (i.e. same occupation, same serious health condition) returning from leave for their own serious health condition, and a list of the employee's essential functions must be provided to him/her at the time**

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	CALL TO ACTIVE DUTY LEAVE
Code	po4430.03
Status	
Adopted	February 14, 2011

4430.03 - **CALL TO ACTIVE DUTY LEAVE**

Once per calendar year, an eligible staff member may take leave for up to ten (10) days or eighty (80) hours, whichever is less, if all of the following conditions are satisfied:

- A. The Board of Education has employed the staff member for at least twelve (12) consecutive months and for at least 1,250 hours in the twelve (12) months immediately preceding commencement of the leave.
- B. The staff member is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty (30) days, or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.
- C. The staff member gives notice to the Board that s/he intends to take leave pursuant to this policy at least fourteen (14) days prior to taking the leave if the leave is being taken because of a call to active duty or at least two (2) days prior to taking the leave if the leave is being taken because of an injury, wound, or hospitalization. If the staff member receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the staff member may take the leave under this policy without providing prior notice to the Board.
- D. In non-medical situations, the dates on which the staff member takes leave pursuant to this policy occur no more than two (2) weeks prior to or one (1) week after the deployment date of the employee's spouse, child, ward, or former ward.
- E. The staff member does not have any other leave available for his/her use except sick leave or disability leave.

A staff member seeking to take leave pursuant to this policy must provide certification from the appropriate military authority to verify that the staff member satisfies the criteria described in paragraphs B, C, and D above.

"Active Duty" means full-time duty in the active military service of the United States or active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or a proclamation of the Governor. "Active Duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.

"Uniformed Services" means the armed forces, the Ohio organized militia when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the President of the United States in time of war or emergency.

While the leave provided by this policy is unpaid, the Board will continue to provide benefits to the staff member during the period of time the staff member is on this leave. For purposes of this policy, "benefits" is defined as employment benefits, other than salary or wages, that the Board regularly provides or makes available to employees, including, but not limited to, medical insurance, disability insurance, life insurance, pension plans, and retirement plans. The staff member is responsible for the same proportion of the cost of the benefits as s/he regularly pays during periods of time when s/he is not on leave.

Upon the completion of the leave taken pursuant to this policy, the Board will restore the staff member to the position s/he held prior to taking that leave or a position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

The Board will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this policy. Further, the Board will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member's actual or potential exercise, or support for another employee's exercise, of any right established under this policy. Nothing herein shall prevent the Board from taking an employment action that is independent of the exercise of a right under this policy. Finally, the Board will not deprive an employee who takes leave pursuant to this policy of any benefit that accrued before the date that leave commences.

© Neola 2010

Legal R.C. 5906.01-.03

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title SICK LEAVE
Code po4432
Status
Adopted April 4, 2012
Last Revised June 16, 2016

4432 - SICK LEAVE

The Board recognizes its statutory duty to provide paid sick leave to regular employees of the Board for absence due to personal illness, pregnancy, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family.

All regular full-time employees of the Board eligible for sick leave shall receive fifteen (15) such sick leave days annually at the rate of one and one-quarter (1 1/4) a month. Unused sick leave shall be cumulative **as defined by the collective bargaining agreement.** up to ~~260~~ () days. **May not be less than 120 days in accordance with R.C. 3319.141, however, any number more than 120 days must be approved by the employing Board.**

Regular part-time employees shall be entitled to sick leave in proportion to the time actually worked in accordance with R.C. 124.38 (i.e., 4.6 hours of paid sick leave for each eighty (80) hours of service).

The Board shall accept by transfer the accumulated sick **according to the collective bargaining agreement.** leave up to ~~260~~ () days which any new employee has acquired in another position of public service in Ohio, provided that the last termination of such service shall have been within the last ten (10) years.

Newly hired full-time non-teaching employees and regular full-time non-teaching employees who have exhausted his/her accumulated sick leave shall be credited **according to the collective bargaining agreement.** with five (5) days **cannot be less than five(5)** sick leave in advance which shall be part of the fifteen (15) days that can be accumulated for the year.

Substitutes or persons who are employed by the Board on an as-needed, seasonal, or intermittent basis, are not eligible for paid sick leave.

Employees must be in attendance on scheduled work days or be in authorized leave status.

© Neola 2011

Legal R.C. 124.38, 3319.141

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title HOLIDAYS
Code po4439
Status

4439 - HOLIDAYS

A. To be eligible for a paid holiday, regular nonteaching employees must have accrued earnings on the next preceding and next following scheduled workdays before and after such holiday or must be properly excused from attendance at work on either or both of those days. Holidays must fall during the time of year in which an employee is scheduled to work. Eligible employees receive their regular salary or hourly rate of pay on a holiday.

B. **Eleven (11) and Twelve (12) Month Employees.** All regular nonteaching school employees employed on an eleven (11) or twelve (12) month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay:

1. New Year's Day;
2. Martin Luther King Day;
3. Memorial Day;
4. Juneteenth Day;
5. Independence Day;
6. Labor Day;
7. () _____;
8. X () _____;
9. Thanksgiving Day; and
10. Christmas Day.

~~DRAFTING NOTE: For employees covered under R.C. 3319.087, Juneteenth is a mandatory holiday for eleven (11) or twelve (12) month employees. Districts may elect to add other holidays as approved by the Board of Education, excluding those days when teachers are attending an educational meeting. It is imperative that districts coordinate enactment of this policy with the language of any existing collective bargaining agreements.~~

C. **Nine (9) and Ten (10) Month Employees.** All regular nonteaching school employees employed on a nine (9) or ten (10) month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay:

1. New Year's Day;
2. Martin Luther King Day;
3. Memorial Day;
4. Labor Day;
5. Thanksgiving Day; and
6. Christmas Day.

Regular nonteaching school employees employed less than nine (9) months shall be entitled to a minimum of those holidays enumerated in this section which take place during the employees' scheduled time of employment.

D. If New Year's Day (January 1st), Independence Day (July 4th), and/or Christmas Day (December 25th) fall on a Sunday, then they shall be observed on the following Monday. If any of these holidays fall on a Saturday, they will be observed the Friday before.

E. When any employee is required by the employee's responsible administrative superior to work on a paid holiday, the employee shall be granted compensatory time off with regular pay. The Board of Education may establish a premium rate of pay for work performed on a paid holiday.

© **Neola 2022**

Legal

R.C. 1.14, 124.18, 3319.086, 3319.087

Book Neola Policy Templates for Catch Up
Section Board Approved Policies 4000s
Title JOB-RELATED EXPENSES
Code po4440
Status

Book Policy Manual
Section 4000 Classified Staff
Title JOB-RELATED EXPENSES
Code po4440
Status Active
Adopted November 9, 2009

4440 - **JOB-RELATED EXPENSES**

The Board of Education may provide for the payment of the actual and necessary expenses, including traveling expenses, of any classified staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job-related expenses shall be determined by the Treasurer. Pre-approval for estimated travel expenses by the Superintendent is required.

The Board may the expenses of classified staff members when they attend meetings with prior approval in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent.

Classified staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Accrual of personal frequent-flyer miles, hotel "bonus points", credit card "rewards", or any other reward under similar affinity programs (including credit points or rewards directed to non-profit organizations) is strictly prohibited.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

Book	Neola Policy Templates for Catch Up
Section	Board Approved Policies 4000s
Title	UNAUTHORIZED WORK STOPPAGE
Code	po4531
Status	
Adopted	November 9, 2009

4531 - **UNAUTHORIZED WORK STOPPAGE**

The Board of Education is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools, when possible.

Classified staff members who fail to perform their normal duties when so required as part of an unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Board and the laws of the State.

© **Neola 2009**

Legal	R.C. 3313.202, 4117.01 et seq.
-------	--------------------------------

