

## ROCKY RIVER CITY SCHOOL DISTRICT

### ANNUAL NOTICES

**DATE POSTED – JUNE 1, 2024**

**BOARD OF EDUCATION POLICIES** - The Rocky River City School District Board of Education (“The Board”) has adopted policies and regulations governing all aspects of the operation of the Rocky River City School District. A copy of the Board Policy Manual is located at the Board Office at 1101 Morewood Parkway, Rocky River, Ohio 44116. Parents, students, and members of the public may examine the policies during normal school hours during the scheduled school year and during the summer recess at the Board Office. Copies of the policies are available and will be subject to the cost of reproduction.

**VACATIONS** - Often times during the school year, parents wish to withdraw their youngster from school for the purpose of taking a vacation. Scheduling a vacation during the instructional year causes a serious interruption in the instructional process. There is no substitute for consistent, daily attendance at school. We encourage parents not to schedule vacations during the instructional year. However, we understand that some absences are unavoidable and will, therefore, be considered if prior arrangements are made in accordance with District guidelines available at each building.

**CHILD FIND – SPECIAL EDUCATION** - The Board is committed to the education of all of its children, including those with disability conditions that require special programs or services. You can help us fulfill our desire and obligation by letting us know of children who, because of one or more disabilities, may require extra help. The term “disability” includes such conditions as hearing, speech or language, physical, orthopedic, or visual impairments, learning and behavioral disabilities, cognitive disability, and health impairments, such as epilepsy or cardiac illness, and other severe or multiple disabilities. In order to serve disabled children, we must identify them and evaluate their needs by means of a multi-factored assessment. Then we must meet with parents, our staff, and other professionals to determine the most appropriate public education in the least restrictive environment. You can help us. If you know a child who is disabled or may be suspected of being disabled, please call or write to the attention of Ms. Jennifer Norman, Director of Pupil Services, Rocky River City Schools, 1101 Morewood Parkway, Rocky River, Ohio 44116, or call 440-356-6006.

**2464 - GIFTED EDUCATION AND IDENTIFICATION** - The Board of Education shall ensure that procedures are established to identify all gifted students. The District follows the identification eligibility criteria as specified in Section 3324.03 of the Ohio Revised Code and the Operating Standards for Identifying and Serving Students who are Gifted as specified in the District Plan.

"Gifted" students perform or show potential for performing at remarkably high levels of accomplishment when compared to others of their age, experience, or environment. Annually, children who are gifted are identified by professionally qualified persons using a variety of assessment procedures. The Board encourages efforts to provide services for the children who are gifted as an integral part of the total kindergarten through grade 12 program.

The Superintendent shall identify children in grades kindergarten through twelve, who may be gifted in one or more of the following areas: Superior Cognitive Ability; Specific Academic Ability in one of more of the following content areas (Mathematics; Science; Reading, writing, or a combination of these skills; Social Studies) Creative Thinking Ability; Visual or Performing Arts Ability such as drawing, painting, sculpting, music, dance, drama.

Only those instruments approved by the Ohio Department of Education shall be used for screening, assessment, and identification of children who are gifted as provided in the Chart of Approved Gifted Identification/Screening Instruments. The District shall select instruments from the approved list that will allow for appropriate screening and identification of minority and disadvantaged students, students with disabilities, and students for whom English is a second language.

Scores on Ohio Department of Education approved assessment instruments provided by other school districts and trained personnel outside the School District shall be accepted.

The Board of Education shall adopt and the Superintendent shall submit to the Ohio Department of Education a plan for the screening, assessment, and identification of children who are gifted. Any revisions to the District plan will be submitted to the Ohio Department of Education for approval. The identification plan shall include the following: the criteria and methods used to screen and select children for further assessment who perform or show potential for performing at remarkably high levels of accomplishment in one of the gifted areas; the sources of assessment data used to select children for further testing and an explanation to parents of the multiple assessment instruments required to identify children who are gifted; an explanation for parents of the methods used to ensure equal access to screening and further assessment by all District children, culturally and linguistically diverse children, children from low socio-economic background, children with disabilities, and children for whom English is a second language; the process of notifying parents regarding all policies and procedures concerning the screening, assessment, and identification of children who are gifted; provision of an opportunity for parents to appeal any decision about the results of any screening procedure for assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services; procedures for the assessment of children who transfer into the District; procedures for students to withdraw from gifted programs and services; at least two (2) opportunities a year for assessment in the case of children requesting assessment or recommended for assessment by teachers, parents, or other students.

The District's plan may provide for contracting with any qualified public or private service provider for screening or assessment services under the plan.

The Superintendent shall: ensure equal opportunity for all children identified as gifted to receive any or all services offered by the District; implement a procedure for withdrawal of children from District services and for reassessment of children; implement a procedure for resolving disputes with regard to identification and placement decisions; inform parents of the contents of this policy as required; submit, as required, an annual report to the Ohio Department of Education.

Placement procedures for District services shall be in conformance with the District's written criteria for determining eligibility for placement in those services: Written criteria for determining eligibility for placement in a gifted service shall be provided to any parent, District educator, or the Ohio Department of Education upon request; Written criteria provided by the District shall include an explanation of the methods used to ensure equal access to each gifted service for all eligible District students, including minority or disadvantaged students, students with disabilities, and students for whom English is a second language; Services which students receive shall be consistent with their area(s) of identification and shall be differentiated to meet their needs; Subjective criteria such as teacher recommendations shall not be used to exclude a student from service in the superior cognitive and specific academic areas who would otherwise be eligible; All District students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.

The Superintendent shall implement all policies and procedures in accordance with timelines and other requirements of laws, rules and regulations, and follow the Operating Standards for Identifying and Serving Gifted Students.

The Superintendent shall develop a plan for the service of gifted students enrolled in the District identified under this policy. Gifted services shall occur during the typical instructional day with flexibility allowed for the scheduling of District-approved internships or mentorships and high education coursework, including credit flexibility. Services specified in the plan may include such options as the following: a differentiated curriculum; differentiated instruction; cluster groupings; mentorships/internships; whole grade acceleration (see Policy 5410); subject acceleration (see Policy 5410); early entrance (see Policy 5112); early high school graduation (see Policy 5464); dual enrollment opportunities including, but not limited to, college credit plus; advanced placement/international baccalaureate courses; honors classes; magnet schools; self-contained classrooms; resource rooms; independent study/educational options; advanced online courses and programs; services from a trained arts instructor; other options identified in the rules of the Ohio Department of Education.

A Written Education Plan (WEP) will guide the gifted services based on the student's area(s) of identification and individual needs. The Written Education Plan shall: provide a description of the services to be provided; identify staff members responsible for providing that specific services are delivered; implement a procedure for resolving disputes with regard to identification and placement decisions; specify policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general classroom if different from the District policy detailed below; specify a date by which the WEP will be reviewed for possible revision. The WEP shall be developed in collaboration with an educator who holds licensure or an endorsement in gifted education. The WEP shall include goals for the student, methods and performance measurements for evaluating progress on the goals, and a schedule for reporting progress to students and parents.

Parents and educators responsible for providing gifted education services to the student, including teachers providing differentiated instruction in general education settings, shall be provided a copy of the WEP. Students participating in gifted services provided outside the general education classroom will generally be exempted from routine class work (worksheets, homework, etc.) assigned during absences from the regular classroom due to participation in the gifted services. Students are to turn in work due the day of absence and make arrangements to make up missed tests. Special class work (projects, book reports, etc.) assigned during the student's absence are to be completed. Exceptions to this policy will be detailed in the student's Written Education Plan.

The District shall report to parents and the Ohio Department of Education that a student is receiving gifted education services only if the services are provided in conformance with the Operating Standards for Identifying and Serving Gifted Students.

Each year the District shall submit data and participate in program audits as required by the Department.

**2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY** - Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, the Board of Education does not discriminate on the basis of, race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

**Curriculum Content** - review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

**Staff Training**- develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program; **Student Access- 1.** review current and proposed programs, activities, facilities, and practices to verify that all students have

equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations; 2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

**District Support-** verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

**Student Evaluation** - verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful discrimination or retaliation.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Discrimination Coordinator alleging unlawful discrimination or retaliation against a Respondent and requesting that the District investigate the allegation(s) of unlawful discrimination or retaliation. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-Discrimination Coordinator signs a Formal Complaint, the Anti-Discrimination Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation to the District’s Anti-Discrimination Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful discrimination or retaliation or to inform an individual about how to report unlawful discrimination or retaliation, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Discrimination Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

**Education Program or Activity** – “Education program or activity” refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to

all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the unlawful discrimination or retaliation occurs.

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged unlawful discrimination or retaliation.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful discrimination or retaliation.

**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 holiday(s)).

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Discrimination Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Discrimination Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Discrimination Coordinator.

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Discrimination Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260, 2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful discrimination or retaliation, how to report or file a formal complaint of unlawful discrimination or retaliation, and how the District will respond.*

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

### **Grievance Process and Procedures**

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

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

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

### **Report of Unlawful Discrimination or Retaliation**

Any person may report unlawful discrimination or retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation), in person, by mail, by telephone, or by electronic mail, using the Anti-Discrimination Coordinator's contact

information listed above, or by any other means that results in the Anti-Discrimination Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Discrimination Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful discrimination or retaliation promptly to the Anti-Discrimination Coordinator or to any Board employee, who will, in turn, notify the Anti-Discrimination Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Discrimination Coordinator for purposes of addressing that report of unlawful discrimination or retaliation.

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

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

Any allegations of misconduct not involving unlawful discrimination or retaliation may be addressed through the procedures outlined in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation, a Board employee who has independent knowledge of or receives a report involving allegations of unlawful discrimination or retaliation must notify the Anti-Discrimination Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Discrimination Coordinator.

If a Board member fails to report an incident of unlawful discrimination or retaliation of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of unlawful discrimination or retaliation is made, the Anti-Discrimination Coordinator shall promptly (i.e., within two (2) days of the Anti-Discrimination Coordinator's receipt of the report of unlawful discrimination or retaliation) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and

explain to the Complainant the process for filing a Formal Complaint. The Anti-Discrimination Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of unlawful discrimination or retaliation that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Unlawful Discrimination or Retaliation**

A Formal Complaint may be filed with the Anti-Discrimination Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Discrimination Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful discrimination or retaliation or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.



If the Anti-Discrimination Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Anti-Discrimination Coordinator may provide the parties with reasonable updates on the status of the grievance process.

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

- A. notice of the Board's grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes unlawful discrimination or retaliation as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful discrimination or retaliation, and the date and location of the alleged incident, if known.

The written notice must:

- 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- 3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

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

If one (1) of the preceding circumstances exist, the Anti-Discrimination Coordinator shall dismiss the Formal Complaint. If the Anti-Discrimination Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Discrimination Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

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

If the Anti-Discrimination Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Discrimination Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Anti-Discrimination Coordinator may consolidate Formal Complaints as to allegations of unlawful discrimination or retaliation against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of unlawful discrimination or retaliation arise out of the same facts or circumstances.

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Discrimination Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Discrimination Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

- A. the allegations;

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

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

Before commencing the informal resolution process, the Anti-Discrimination Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

#### **Investigation of a Formal Complaint of Unlawful Discrimination or Retaliation**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

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

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Discrimination Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Discrimination Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Discrimination Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

At the hearing, the decision-maker will allow each party or each party's advisor to submit relevant questions to the decision-maker who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions,

including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting unlawful discrimination or retaliation pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

- A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. pre-school, lunchtime, and/or after-school detention;
4. in-school discipline;
5. Saturday school.

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondence is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-

Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation): the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

- D. restriction/prohibition on the Third Party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Discrimination Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

The Anti-Discrimination Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Anti-Discrimination Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful discrimination or retaliation).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Discrimination Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein.



Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Discrimination Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Discrimination Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful discrimination or retaliation, but arise out of the same facts or circumstances as a report or complaint of unlawful discrimination or retaliation, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful discrimination or retaliation, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

## **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful discrimination or retaliation, including any individual who has made a report or filed a Formal Complaint of unlawful discrimination or retaliation, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the Complainant’s and Respondent’s receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

## **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

## **Training**

The District’s Anti-Discrimination Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of unlawful discrimination or retaliation (as that term is used in this policy);
- B. the scope of the District’s education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful discrimination or retaliation to the Anti-Discrimination Coordinator. This training will include practical information about how to identify and report unlawful discrimination or retaliation.

## **Recordkeeping**

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

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

- A. each unlawful discrimination or retaliation investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Anti-Discrimination Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Discrimination Coordinator will make the training materials available upon request for inspection by members of the public.

#### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Discrimination Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

#### **Discretion in Application**

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

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

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

**2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY** - Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"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, and working.

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

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

The determination of whether an impairment substantially 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 (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person: who is of an age during which nondisabled persons are provided educational services; who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

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

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful disability discrimination.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful disability discrimination.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Discrimination Coordinator unlawful disability discrimination against a Respondent and requesting that the District investigate the allegation(s) of unlawful disability discrimination. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-

Discrimination Coordinator signs a Formal Complaint, the Anti-Discrimination Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful disability discrimination or allegations of unlawful disability discrimination to the District’s Anti-Discrimination Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful disability discrimination or to inform an individual about how to report unlawful disability discrimination, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Discrimination Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged unlawful disability discrimination.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful disability discrimination.

**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 holiday(s)).

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Discrimination Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Discrimination Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Discrimination Coordinator.

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Discrimination Coordinator, the Assistant Secretary for the U.S. Department of Education’s Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260, 2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful disability discrimination, how to report or file a formal complaint of unlawful disability discrimination, and how the District will respond.*

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

## **Grievance Process and Procedures**

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

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

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

## **Report of Unlawful Disability Discrimination**

Any person may report unlawful disability discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful disability discrimination), in person, by mail, by telephone, or by electronic mail, using the Anti-Discrimination Coordinator's contact information listed above, or by any other means that results in the Anti-Discrimination Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Discrimination Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful disability discrimination promptly to the Anti-Discrimination Coordinator or to any Board employee, who will, in turn, notify the Anti-Discrimination Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful disability discrimination by or involving the Anti-Discrimination Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Discrimination Coordinator for purposes of addressing that report of unlawful disability discrimination.

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

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

Any allegations of misconduct not involving unlawful disability discrimination may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful disability discrimination or allegations of unlawful disability discrimination if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful disability discrimination or allegations of unlawful disability discrimination, a Board employee who has independent knowledge of or receives a report involving allegations of unlawful disability discrimination must notify the Anti-Discrimination Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee’s knowledge is based on another individual bringing the information to the Board employee’s attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Discrimination Coordinator.

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

When a report of unlawful disability discrimination is made, the Anti-Discrimination Coordinator shall promptly (i.e., within two (2) days of the Anti-Discrimination Coordinator’s receipt of the report of unlawful disability discrimination) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Anti-Discrimination Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of unlawful disability discrimination that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Unlawful Disability Discrimination**

A Formal Complaint may be filed with the Anti-Discrimination Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful disability discrimination by or involving the Anti-Discrimination Coordinator, the Complainant



should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Discrimination Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful disability discrimination or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Anti-Discrimination Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Anti-Discrimination Coordinator may provide the parties with reasonable updates on the status of the grievance process.

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

- A. notice of the Board’s grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes unlawful disability discrimination as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful disability discrimination, and the date and location of the alleged incident, if known.

The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

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

If one (1) of the preceding circumstances exist, the Anti-Discrimination Coordinator shall dismiss the Formal Complaint. If the Anti-Discrimination Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Discrimination Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

- D. a Complainant notifies the Anti-Discrimination Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- E. the Respondent is no longer enrolled in the District or employed by the Board; or
- F. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Anti-Discrimination Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Discrimination Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Anti-Discrimination Coordinator may consolidate Formal Complaints as to allegations of unlawful disability discrimination against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of unlawful disability discrimination arise out of the same facts or circumstances.

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Discrimination Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Discrimination Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

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

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

Before commencing the informal resolution process, the Anti-Discrimination Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Unlawful Disability Discrimination**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

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

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Discrimination Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Discrimination Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Discrimination Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

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

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting unlawful disability discrimination pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

- 1. writing assignments;
- 2. changing of seating or location;
- 3. pre-school, lunchtime, and/or after-school detention;
- 4. in-school discipline;
- 5. Saturday school.

B. Formal Discipline

- 1. suspension of bus riding/transportation privileges;

2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondent is responsible for violating this policy (i.e., engaging in unlawful disability discrimination), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;

- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful disability discrimination: the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful disability discrimination), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Discrimination Coordinator who will provide the written determination to the parties simultaneously.

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

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



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

The Anti-Discrimination Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Anti-Discrimination Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful disability discrimination).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Discrimination Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Discrimination Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Discrimination Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful disability discrimination, but arise out of the same facts or circumstances as a report or complaint of unlawful disability discrimination, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful disability discrimination, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful disability discrimination, including any individual who has made a report or filed a Formal Complaint of unlawful disability discrimination, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

### **Training**

The District's Anti-Discrimination Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of unlawful disability discrimination (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful disability discrimination to the Anti-Discrimination Coordinator. This training will include practical information about how to identify and report unlawful disability discrimination.

### **Recordkeeping**

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

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

- A. each unlawful disability discrimination investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Anti-Discrimination Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Discrimination Coordinator will make the training materials available upon request for inspection by members of the public.

### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Discrimination Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

### **Discretion in Application**

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

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

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

**2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES** The Board of Education of the Rocky River City School District (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex (including sexual orientation or gender identity), in its programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and working environment that is free from discrimination based on sex, including sexual harassment.

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

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

## Coverage

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

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

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

## Definitions

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

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

- A. A Board employee conditioning and provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 1229(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is nonforcible sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. “Domestic Violence” includes felony or misdemeanor crimes of violence committed by:

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

- E. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – 1) fear for the person’s safety or the safety of others; or 2) suffer substantial emotional distress.

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

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

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

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

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

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

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

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

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

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

The Board of the Rocky River City School District does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District’s Title IX Coordinator(s) is/are:



Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

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

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at <https://go.boarddocs.com/oh/rrcsd/Board.nsf/Public?open&id=policies>. The grievance process and procedures specifically address how to report or file a complaint of sexual discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

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

### **Grievance Process and Procedures**

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

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

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

## **Report of Unlawful Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator. Anonymous reports may be submitted using **the hotline reporting number (1-800-418-6423, ext. 359)**.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or Sexual Harassment promptly to the Title IX Coordinator or to any Board employee, who will, in turn, notify the Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

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

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

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct.

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

## **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator may provide the parties with reasonable updates on the status of the grievance process.

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

- A. notice of the Board's grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment and the date and location of the alleged incident, if known.

The written notice must:

- 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- 3. inform the parties of any provision in the Student Code of Conduct, this policy, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

## **Dismissal of a Formal Complaint**

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

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or

C. did not occur against a person in the United States.

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

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

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

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

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

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

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

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

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

#### **Investigation of a Formal Complaint of Sexual Harassment**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and

- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker(s) elects to conduct a hearing, the hearing will proceed as follows:

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

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.



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

A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. pre-school, lunchtime, and/or after-school detention;
4. in-school discipline;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with

Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

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

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

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

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board’s contract with the Third Party vendor or contractor;

- C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the Third Party's ability to be on school property; and
- E. any combination of the same.

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

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

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

### **Appeal**

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

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

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal shall determine when each party's written statement is due.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within three (3) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

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

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

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

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

## **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the Complainant’s and Respondent’s receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

## **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

## **Training**

The District’s Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the District’s education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

## **Recordkeeping**

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

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

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train the Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

#### **Outside Appointments, Dual Appointments, and Delegations**

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

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

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

#### **Discretion in Application**

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

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

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

**2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION** - The Board of Education respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult or an

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

The Superintendent shall require that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation. Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal. Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments. The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

**5310 - HEALTH SERVICES** - The Board of Education may require students of the District to submit to periodic health examinations to:

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

The District may provide or request parents to provide:

- A. general physical examinations for athletics;

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

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any nonemergency invasive physical examination or screening is scheduled or expected to be scheduled for students if the screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term “invasive physical examination” means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body but does not include a hearing, vision, or scoliosis screening.

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination or screening upon written notification to the Board within thirty (30) days after receipt of the Board’s annual public notice.

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

- A. The student's condition is assessed by 1) a physician; 2) a licensed healthcare professional authorized by the Board, in accordance with requirements set forth in R.C. 3313.539(E)(2), to assess such a student; or 3) a licensed healthcare professional, each of whom must meet the minimum education requirements established by rules adopted under R.C. 3707.521 by the professional’s licensing agency.
- B. The student receives written clearance that it is safe to return to physical education class, athletic practice, or competition from the physician or the licensed healthcare professional who assessed the student’s condition.

**5511 – DRESS AND GROOMING** – The Board of Education recognizes that each student’s mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. Students have the right to dress in accordance with their gender identity within the constraints of the dress code promulgated by the school.



The Board authorizes the Superintendent to establish a reasonable dress code in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the Student Code of Conduct or Discipline Code.

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

- A. present a hazard to the health or safety of the student or to others in the school;
- B. materially interfere with schoolwork, create disorder, or disrupt the educational program;
- C. cause excessive wear or damage to school property;
- D. prevent the student from achieving the student's educational objectives because of blocked vision or restricted movement.

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event. The Superintendent shall develop administrative guidelines to implement this policy that:

- A. designate the principal as the arbiter of student dress and grooming at the building level;
- B. instruct staff members to demonstrate by example and precept neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- C. ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality;
- D. direct staff to enforce the school's dress code in a nondiscriminatory and uniform manner, including without regard to whether a student is transgender or gender nonconforming.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

**7434 – 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 second-hand smoke and vapor/aerosol exposure, 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, 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 any other 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; 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.

The Board prohibits the use of tobacco, nicotine, or tobacco substitute products at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned, 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.

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.

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. Signage and other notices and postings shall be as required by R.C. 3794.06 and as provided by the Ohio Department of Health.

### **Enforcement**

Violations of this policy may result in removal from school property or the school activity in accordance with Policy 9150 – School Visitors.

**3362, 4362, 5517 - 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 transgender 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.

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

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

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

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

**"Harassment"** 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** – See Board Policy 2266 - Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when: 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; submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender. Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to: unwelcome sexual propositions, invitations, solicitations and flirtations; unwanted physical and/or sexual contact; threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances; unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals; unwelcome and inappropriate touching, patting, or pinching; obscene gestures. 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; remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history. 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; 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; and 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.

**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 Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.**

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

Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

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

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

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

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful harassment.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful harassment.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Harassment Coordinator unlawful harassment against a Respondent and requesting that the District investigate the allegation(s) of unlawful harassment. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-Harassment Coordinator signs a Formal Complaint, the Anti-Harassment Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful harassment or allegations of unlawful harassment to the District's Anti-Harassment Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful harassment or to inform an individual about how to report unlawful harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Harassment Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged unlawful harassment.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful harassment.

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

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Harassment Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Harassment Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Harassment Coordinator.

**Title IX Coordinator:**

Under Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Board appointed the following individuals as Title IX Coordinators:

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

**Anti-Harassment Procedures & Practices**

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Harassment Coordinator, the Assistant Secretary for the U.S. Department of Education’s Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260,*

2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful harassment, how to report or file a formal complaint of unlawful harassment, and how the District will respond.

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

### **Grievance Process and Procedures**

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

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

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

### **Report of Unlawful Harassment**

Any person may report unlawful harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful harassment), in person, by mail, by telephone, or by electronic mail, using the Anti-Harassment Coordinator's contact information listed above, or by any other means that results in the Anti-Harassment Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Harassment Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful harassment promptly to the Anti-Harassment Coordinator or to any Board employee, who will, in turn, notify the Anti-Harassment Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful harassment by or involving the Anti-Harassment Coordinator the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Harassment Coordinator for purposes of addressing that report of unlawful harassment.

The Board does business with various vendors, contractors, and other Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or Third Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third



Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or Third Party irrespective of any process or outcome under this policy.

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

Any allegations of misconduct not involving unlawful harassment may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful harassment or allegations of unlawful harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful harassment or allegations of unlawful harassment a Board employee who has independent knowledge of or receives a report involving allegations of unlawful harassment must notify the Anti-Harassment Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Harassment Coordinator.

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

When a report of unlawful harassment is made, the Anti-Harassment Coordinator shall promptly (i.e., within two (2) days of the Anti-Harassment Coordinator's receipt of the report of unlawful harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Anti-Harassment Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of unlawful harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

## **Formal Complaint of Unlawful Harassment**

A Formal Complaint may be filed with the Anti-Harassment Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful harassment by or involving the Anti-Harassment Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Harassment Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Anti-Harassment Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Anti-Harassment Coordinator may provide the parties with reasonable updates on the status of the grievance process.

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

- A. notice of the Board’s grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes unlawful harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful harassment, and the date and location of the alleged incident, if known.

The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

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

If one (1) of the preceding circumstances exist, the Anti-Harassment Coordinator shall dismiss the Formal Complaint. If the Anti-Harassment Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Harassment Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

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

If the Anti-Harassment Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Harassment Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Harassment Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Harassment Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

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

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

Before commencing the informal resolution process, the Anti-Harassment Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Unlawful Harassment**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

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

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Harassment Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the

investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Harassment Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Harassment Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

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

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the decision-maker, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-

maker and parties to simultaneously see and hear the party or witness answering questions. The District will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting unlawful harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

- 1. writing assignments;
- 2. changing of seating or location;
- 3. pre-school, lunchtime, and/or after-school detention;
- 4. in-school discipline;
- 5. Saturday school.

## B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;



- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment: the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Harassment Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

The Anti-Harassment Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Anti-Harassment Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful harassment).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Harassment Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Harassment Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Harassment Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Harassment Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Harassment Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful harassment, but arise out of the same facts or circumstances as a report or complaint of unlawful harassment, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful harassment, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful harassment, including any individual who has made a report or filed a Formal Complaint of unlawful harassment, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

## **Training**

The District's Anti-Harassment Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of unlawful harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful harassment to the Anti-Harassment Coordinator. This training will include practical information about how to identify and report unlawful harassment.

## **Recordkeeping**

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

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

- A. each unlawful harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Anti-Harassment Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Harassment Coordinator will make the training materials available upon request for inspection by members of the public.

### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Harassment Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

### **Discretion in Application**

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

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

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

**4362/1662 - 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 transgender 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.

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

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

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

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;

- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

**"Harassment"** 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** – See Board Policy 2266 - Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

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

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

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

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

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

**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 disabling condition, 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.

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful harassment.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful harassment.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Harassment Coordinator unlawful harassment against a Respondent and requesting that the District investigate the allegation(s) of unlawful harassment. A “document filed by a complainant” means a

document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-Harassment Coordinator signs a Formal Complaint, the Anti-Harassment Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful harassment or allegations of unlawful harassment to the District's Anti-Harassment Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful harassment or to inform an individual about how to report unlawful harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Harassment Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent's responsibility for alleged unlawful harassment.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful harassment.

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

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Harassment Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Harassment Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Harassment Coordinator.

**Title IX Coordinator:**

Under Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Board appointed the following individuals as Title IX Coordinators:

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

**Anti-Harassment Procedures & Practices**

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Harassment Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260, 2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful harassment, how to report or file a formal complaint of unlawful harassment, and how the District will respond.*

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

### **Grievance Process and Procedures**

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

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

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

### **Report of Unlawful Harassment**

Any person may report unlawful harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful harassment), in person, by mail, by telephone, or by electronic mail, using the Anti-Harassment Coordinator's contact information listed above, or by any other means that results in the Anti-Harassment Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Harassment Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful harassment promptly to the Anti-Harassment Coordinator or to any Board employee, who will, in turn, notify

the Anti-Harassment Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful harassment by or involving the Anti-Harassment Coordinator the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Harassment Coordinator for purposes of addressing that report of unlawful harassment.

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

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

Any allegations of misconduct not involving unlawful harassment may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful harassment or allegations of unlawful harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful harassment or allegations of unlawful harassment a Board employee who has independent knowledge of or receives a report involving allegations of unlawful harassment must notify the Anti-Harassment Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Harassment Coordinator.

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

When a report of unlawful harassment is made, the Anti-Harassment Coordinator shall promptly (i.e., within two (2) days of the Anti-Harassment Coordinator's receipt of the report of unlawful harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Anti-Harassment Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from

the allegations of unlawful harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Unlawful Harassment**

A Formal Complaint may be filed with the Anti-Harassment Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful harassment by or involving the Anti-Harassment Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Harassment Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Anti-Harassment Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Anti-Harassment Coordinator may provide the parties with reasonable updates on the status of the grievance process.

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

- A. notice of the Board's grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes unlawful harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful harassment, and the date and location of the alleged incident, if known.

The written notice must:

- 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- 3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

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

If one (1) of the preceding circumstances exist, the Anti-Harassment Coordinator shall dismiss the Formal Complaint. If the Anti-Harassment Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Harassment Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

- A. a Complainant notifies the Anti-Harassment Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Anti-Harassment Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Harassment Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Harassment Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Harassment Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

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

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



Before commencing the informal resolution process, the Anti-Harassment Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Unlawful Harassment**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

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

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Harassment Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Harassment Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Harassment Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

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

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting unlawful harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

A. Informal Discipline

1. writing assignments;

2. changing of seating or location;
3. pre-school, lunchtime, and/or after-school detention;
4. in-school discipline;
5. Saturday school.

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment): the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful harassment), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Harassment Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Harassment Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

The Anti-Harassment Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Anti-Harassment Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful harassment).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Harassment Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Harassment Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Harassment Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Harassment Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Harassment Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful harassment, but arise out of the same facts or circumstances as a report or complaint of unlawful harassment, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful harassment, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful harassment, including any individual who has made a report or filed a Formal Complaint of unlawful harassment, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g,

or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

### **Training**

The District's Anti-Harassment Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of unlawful harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful harassment to the Anti-Harassment Coordinator. This training will include practical information about how to identify and report unlawful harassment.

### **Recordkeeping**

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

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

- A. each unlawful harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. any appeal and the result therefrom;



- C. any informal resolution and the result therefrom; and
- D. all materials used to train Anti-Harassment Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Harassment Coordinator will make the training materials available upon request for inspection by members of the public.

### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Harassment Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

### **Discretion in Application**

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

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

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

**5530 - DRUG PREVENTION** – The Board of Education recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community. As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

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

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

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

- A. on school grounds.
- B. on school vehicles.
- C. at any school-sponsored event.

It further establishes a drug-free zone within 1,000 feet of any facility used by the District for educational purposes.

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

- A. emphasize the prevention of drug use;
- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which addresses the legal, social,

psychological, and health consequences of drug and alcohol use; provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol; assists students to develop skills to make responsible decisions about substance abuse and other important health issues; promotes positive emotional health, self-esteem, and respect for one's body; meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education.

- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

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

- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students to provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students the compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the School District's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary

sanctions are consistently enforced;

- J. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the District's policy and administrative guidelines on Search and Seizure Policy 5771 and AG 5771, Suspension and Expulsion Policy 5610 and AG 5610, and Permanent Exclusion Policy 5610.01 and AG 5610.01 are complied with fully.

The Superintendent shall establish administrative guidelines necessary to implement this policy. Such guidelines shall ensure that the proper notice regarding the use of anabolic steroids is posted in each of the District's locker rooms used by students in grades 7-12.

**5530A - DRUG FREE SCHOOLS** - The unlawful possession, use or distribution of identified illicit drugs and alcohol by students and employees on school premises or as part of any of school activities will not be tolerated. Yearly a communication will be given to all students and parents. It will include: a statement that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful; standards of conduct that clearly prohibit the unlawful possession or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities; a statement that compliance with the standards of conduct is mandatory; a statement that disciplinary sanctions which are consistent with local, state, and federal laws--up to and including expulsion and referral for prosecution--will be imposed on those who violate the standards of conduct; a statement of possible disciplinary sanctions; information about drug and alcohol counseling and rehabilitation and about re-entry programs that are available to students

Age appropriate, developmentally-based drug and alcohol instruction that addresses the legal, social, and health consequences of drug and alcohol use will be provided to all students. The instruction should provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.

**5600 - STUDENT CONDUCT AND DISCIPLINE** – The Board of Education believes that appropriate student behavior is necessary and must be maintained if all students are to obtain a quality education. The Board has "zero tolerance" of violent, disruptive behavior or a violation of school rules by its students. The Board delegates to school staff the authority to enforce District policies, rules and regulations governing student conduct. School staff, students and parents are responsible for reading the rules and regulations for student conduct and student discipline in the Student/Parent Handbook. If any school staff, student or parent has questions or requires clarification regarding the contents of the rules and regulations, they should make further inquiry to the building administrator. Students have a responsibility to know and follow the rules and regulations of the school. A student's failure to comply with these expectations may result in discipline. Discipline will be administered in a reasonable manner, will be based upon respect and consideration of the rights of others and will be in compliance with Ohio Law and the policies and guidelines of the Board. Consideration will be given to appropriate notification and involvement of parents.

Rules, regulations and possible disciplinary actions for students of each school will be established by the principal of the school and included in the Student/Parent Handbook for the school. The disciplinary actions will be commensurate with the seriousness of the offense and based on factors such as the severity and/or frequency of the inappropriate actions taken. A student will not be removed from an academic class or academic activity while it is in session except when necessary. Likewise, a student will not be removed from school during the school day except when necessary. Not allowing a student to participate in a future academic class or academic activity will not be used as a punishment or consequence except under unique circumstances. The principal will be involved when such action is taken.

The principal has the responsibility and authority to establish and implement additional rules and disciplinary actions as may be necessary for the orderly operation of the school. Such rules and actions must be appropriately communicated to students, parents and staff. School staff, students, and parents will assume

a responsible role in promoting behavior that encourages learning and the development of individual potential. Staff and parents should be involved with the principal in reviewing and establishing the rules and regulations for student conduct and student discipline to be included in the Student/Parent Handbook for the School.

If a student is identified through the school district as being disabled, the student's disability and any applicable law, rules and regulations will be considered in taking disciplinary action. The principal/designee may consult with the Director of Learning Resource Services to ensure compliance with state/federal regulations for students with disabilities.

The rules and standards established for the discipline of students shall apply to: misconduct on school premises, school property, school buses, or any other school vehicle; misconduct involving any school property; misconduct at any school-sponsored event or function; misconduct by a student that occurs off of property owned or controlled by the District that is connected to activities or incidents that have occurred on property owned or controlled by the District; misconduct regardless of where it occurs that is directed at a District employee or official or the property of such employee or official.

The Superintendent shall establish Administrative Guidelines necessary to carry out the discipline of any student.

**5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR** – The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

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

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

Harassment, intimidation, or bullying means:

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

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

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

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

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

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

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

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

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

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

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

If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

The District shall implement intervention strategies (AG 5517.01) to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

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

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

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

**Complaints** - Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the Building Director for review, investigation, and action.

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

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

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

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

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

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

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

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

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

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

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

Annually, the District shall provide all students enrolled in the District with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy. Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who



submit a written request to the Building Director to examine the dating violence prevention instruction materials used in the school, will be afforded an opportunity to review the materials within a reasonable period of time.

The District shall provide training, workshops, and/or courses on this policy for school employees and volunteers who have direct contact with students. Time spent by school staff in these training programs shall apply toward mandated continuing education requirements.

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

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

**5610 – REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS** – The Board of Education recognizes that exclusion from the educational program of the schools, whether by emergency removal, out-of-school suspension, expulsion, or permanent exclusion, is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process. However, the Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

No student is to be removed, suspended out-of-school, expelled and/or permanently excluded unless their behavior represents misconduct as specified in the Student Code of Conduct/Student Discipline Code approved by the Board. The Code shall also specify the procedures to be followed by school officials when implementing such discipline. In determining whether a student is to be suspended or expelled, District Administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. (See Policy 5605 “Suspension/Expulsion of Students with Disabilities.”)

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

For purposes of this policy and the Student Code of Conduct/Student Discipline Code, the following shall apply:

- A. “Emergency removal” shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District. (See Policy 5610.03 “Emergency Removal”)
- B. “Suspension” shall be the temporary exclusion of a student by the Superintendent, Principal, assistant principal, or any other administrator from the District’s instruction program for a period not to exceed ten (10) school days. Suspension shall not extend beyond the current school year, if at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Policy 5611 – Due Process Rights. A student who is suspended shall be

permitted to complete any classroom assignments missed because of the suspension and receive at least partial credit for a completed assignment. Grade reductions on account of student's suspension are permitted; however, no student may receive a failing grade on a completed assignment solely on account of his/her suspension.

- C. "Expulsion" shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct/Student Discipline Code. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights". When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 – Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

1. **Firearm or Knife**

Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. Similarly, the Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. The expulsion may extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. The Superintendent shall refer any student expelled for bringing a firearm (as defined in 18 U.S.C. 921(a)(3)) or weapon to school to the criminal justice or juvenile delinquency system serving the District.

A firearm is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device. A destructive device includes, but is not limited to any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device.

A knife capable of causing serious bodily injury is defined as any weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such as ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury.

The Superintendent may, in his/her sole judgment and discretion, modify or reduce such expulsion in writing, to a period of less than one (1) year; on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);
- b. The degree of culpability given the age of the student and its relevance to the misconduct and/or punishment and/or evidence regarding the probable danger posed to the health and safety of others, including evidence of the student's intent and awareness regarding possession of the firearm or knife capable of causing serious bodily injury; and/or
- c. The academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

## 2. **Violent Conduct**

If a student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act:

- a. would be a criminal offense if committed by an adult;

and

- b. results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6)

the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);

or

- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the expulsion, there are a few days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

### 3. **Bomb Threats**

If a student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat, the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

- a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's educational needs;

or

- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the expulsion, there are fewer days remaining in the school year than the number of days of the expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

- D. “Permanent exclusion” shall mean the student is banned forever from attending a public school in the State of Ohio. (See Policy 5610.01 – Permanent Exclusion of Nondisabled Students)

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and the student’s parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student’s behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

### **Suspension or Expulsion of Students in Grades Pre-Kindergarten through Three (3)**

Except as permitted by law, suspension or expulsion proceedings shall not be initiated against a student in any of grades Pre-kindergarten through three (3) unless the student has committed the following acts:

- A. The student brings a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, or possess a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board.
- B. The student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act: 1) would be a criminal offense if committed by an adult; and 2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).
- C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.
- D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student’s fellow classmates, the classroom staff and teachers, or other school employees.

Prior to suspending or expelling a student in any of grades Pre-K through three (3), the Principal shall, whenever possible, consult with a mental health professional under contract. If the events leading up to the student’s suspension or expulsion from school indicate that the student is in need of additional mental health services, the student’s Principal or the District’s mental health professional shall assist the student’s parent or guardian with locating providers or obtaining such services, including referral to an independent mental health professional, provided such assistance does not result in a financial burden to the District or the student’s school.

If a student in any of grades Pre-K through three (3) is suspended or expelled, the student shall be afforded the same notice and hearing, procedural, and educational opportunities as set forth in Board policy and the law. The suspension or expulsion of a student in any of grades Pre-K through 3 shall not limit the Board's responsibilities with respect to the provision of special education and related services to such student in accordance with Board policy and the law. Further, the Board shall not be limited in its authority to issue an in-school suspension to a student in any of grades Pre-K through three (3), provided that the in-school suspension is served in a supervised learning environment.

If the Superintendent determines that a student's behavior on a school vehicle violates school rules, s/he may suspend the student from school bus-riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension must comply with due process and the Student Code of Conduct/Student Discipline Code.

The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational options.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

The Board may temporarily deny admittance to any student who has been expelled from the schools of another Ohio district or an out-of-state district, if the student's expulsion period set by the other district has not expired. The expelled student shall first be offered an opportunity for a hearing.

When a student is expelled from this District, the Superintendent shall send written notice to any college in which the expelled student is enrolled under the College Credit Plus Program at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire. If the expulsion is extended, the Superintendent shall notify the college of the extension.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

**5610A - EXPULSION OF STUDENTS FOR BRINGING FIREARMS AND WEAPONS TO SCHOOL, AND OTHER DANGEROUS BEHAVIOR** - A student who brings a firearm to school or on to any other property owned or controlled by the Board will be expelled from school for a period of one (1) year. A student who brings a knife to school or on to any other property owned or controlled by the Board may be expelled for a period not to exceed one (1) year. Any such expulsion shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. For purposes of this policy a firearm has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2). A knife is defined as any device consisting of a sharp blade whether or not fastened to a handle, designed or intended for use as a cutting instrument, regardless of the length of the blade. Any act that would be a criminal offense when committed by an adult that results in serious physical harm to persons or property (as defined by R.C. 2901.01) may subject the offender to expulsion of up to one (1) year. The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than (1) year, on a case-by-case basis, for the following reasons: applicable state or federal laws relating to the student's disability; extent of culpability of the student.

**5610B – SUSPENSION** - The Superintendent, building administrator or other District Administrators may suspend a student from the school environment for a period not to exceed ten (10) days. If at the time a suspension is imposed there are fewer than ten school days remaining in the school year in which the incident

that gives rise to the suspension takes place, the Superintendent may apply any remaining part or all of the period of the suspension to the following school year. In addition, the Superintendent may require a student to perform community service in conjunction with or in place of suspension. If a student is identified through the school District as being disabled, the student's disability and any applicable law, rules and regulations will be considered in taking disciplinary action. The responsible administrator shall consult with the Executive Director of Pupil Services to ensure compliance with state/federal regulations for students with disabilities. The offense for which suspension may be imposed should be greatly prejudicial to the discipline and operation of the school, potentially dangerous to the well-being of the school's students and personnel, gravely improper in the circumstances, interferes with the maintenance of a proper learning environment, or disrupts the educational process.

The student or his/her parent may appeal such action to the central office administrator as assigned by the Superintendent. This central office administrator will act as the Board's designee and will hear the appeal. At the request of the student, parent, or representative, this hearing may be held in executive session, but the decision of the central office administrator acting as the Board's designee will become part of the public record and read into the Minutes of the Board of Education. When a student is suspended for the following reasons, the parent and student will be notified that the student may also be subject to permanent exclusion from school: Illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or felonious sexual penetration, if the victim is a District employee. Administrative Guideline Nos. 5610 and 5610B provides additional procedures and is incorporated herein by reference.

**5610.01 - PERMANENT EXCLUSION** - The Board may seek the permanent exclusion of a student sixteen (16) years of age or older who is either convicted in criminal court or adjudicated delinquent by a juvenile court of any of the following offenses that occur on school grounds or at a school function: illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance; and/or aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or felonious sexual penetration, if the victim is a District employee. In addition, complicity in any of the above acts may be the basis for permanent exclusion.

Any building administrator witnessing, or having knowledge of, one (1) of these acts must report the incident to the Superintendent within twenty-four (24) hours, whether or not the student is over sixteen (16) years of age. If the Superintendent receives notification that a student has been found guilty of or is adjudicated delinquent for any of the listed offenses, s/he will determine whether the student's continued attendance in the District endangers the health and safety of other students or school employees or whether his attendance poses a danger of disruption to the District's graded course of study. If s/he determines that either danger exists, s/he may recommend that the Board adopt a resolution requesting the State Superintendent of Public Instruction to permanently exclude the student from attendance in any Ohio school. Written notice of the Superintendent's recommendation for permanent exclusion will be provided to the student and his parent, guardian or custodian.

If a student is identified through the school district as being disabled, the student's disability and any applicable law, rules and regulations will be considered in taking disciplinary action. The principal/designee may consult with the Director of Learning Resource Services to ensure compliance with state/federal regulations for students with disabilities. The Board will act upon the Superintendent's recommendation with fourteen (14) days. Among the items the Board will consider will be information on: A.) academic and extracurricular activity record of the student; B.) disciplinary record of the student; C.) social history of the student; D.) response to prior discipline and sanctions; E.) seriousness of the offense and any aggravating circumstances; F.) any mitigating circumstances; G.) evidence regarding the possible danger to other students and employees if the student remains in the District; H.) evidence regarding the probable disruption of the graded course of study; and I.) availability of less serious sanctions that would permit the student to stay in the District without conflict with either (G) or (H).

The Board may allow for the hearing of witnesses and the presentation of additional evidence. If the Board adopts the resolution to permanently exclude the student, the Board will: A.) forward the written resolution, together with the adjudication or conviction and a copy of the student's entire school record to the State Superintendent; B.) promptly designate a representative to present the District's case for permanent exclusion to the State Superintendent; and C.) forward a copy of the resolution to the student and his parent, guardian or custodian. If the State Superintendent rejects the resolution, then the student will be re-admitted to the District's schools. No employee of this District will knowingly admit, or cause by inaction to be admitted, any student who has been permanently excluded.

**Re-admission** - If, in the opinion of the Superintendent, a permanently excluded student no longer represents a danger to the health and safety of other students or staff, the District may, in some instances, seek the re-admission of the student. On the recommendation of the Superintendent, the Board will consider a resolution requesting the State Superintendent to revoke the permanent exclusion. If the Board adopts the resolution it will be forwarded to the State Superintendent, along with the reasons for the resolution and all relevant information.

**Probationary Admission following Permanent Exclusion** - Under state law, a student permanently excluded from school may request probationary admission for ninety (90) days in any public school district. If a student requests consideration of probationary admission into this district, the Superintendent may enter into discussions with the student and his parent, guardian, custodian or their designee to develop a probationary admission plan designed to meet the educational needs of the child and the disciplinary requirements of the District. If a satisfactory plan is developed, then the Superintendent will recommend the Board allow the student to attend classes within the District. The Board will act on the recommendation within fourteen (14) days. If a student violates the terms of the re-admission plan, then the Superintendent may immediately remove the student pending action by the Board. The Board's action must take place within five (5) days from receipt of the Superintendent's recommendation to revoke the re-admission. A student in compliance with his probationary re-admission plan may request either an extension of the plan for an additional ninety (90) days or for the Superintendent to recommend that the permanent exclusion be revoked.

**5610.04 - BUS CONDUCT** - While the law requires the school District to furnish transportation, it does not relieve parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Once a child boards the bus - and only at that time -- does s/he become the responsibility of the school District. Such responsibility will end when the child is delivered to the regular bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board will require children to conduct themselves in the bus in a manner consistent with established standards for classroom behavior. Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended. In such cases, the parents of the children involved become responsible for seeing that their children get to and from school safely.

**5611.01- INTERROGATIONS, INVESTIGATIONS AND SEARCHES** – The Rocky River Board of Education believes that students should be free from interrogations, investigations, and searches by an outside agency on school premises during school hours without expressed parental approval. However, a student will be released to a law enforcement agency or a governmental social services agency for interrogation, investigation or search at school upon verification of the legal authority of the agency. In such cases, an attempt must be made to notify the student's parents unless the parent is the subject of the investigation and/or if the case involves a governmental social services agency and concerns the safety or welfare of the student. A representative of the school shall be present.

Desks and lockers are the property of the Board and remain at all times under the control of school officials. Students are granted the non-exclusive use of desks and lockers and should not expect privacy with respect to items stored in desks or lockers. Desks and lockers and the contents of all desks and lockers are subject to random search at any time without regard to whether there is a reasonable suspicion that any desk or locker, or its contents contains evidence of a violation of



a criminal statute or a school rule. A copy of this policy will be posted in a conspicuous place in each school building that has desks and lockers available for use by pupils.

Building principals or their designees may inspect a student's vehicle parked on school premises if there is reasonable cause to believe that prohibited articles are kept there, or that school rules and regulations have been violated. If such an inspection takes place, the student or another adult will be present. An inspection of a vehicle from the exterior is not a search. This policy will not intend to limit or prevent a school official from investigating incidents and determining a basis for decisions affecting the operation of the schools, conduct of students, or services of employees.

**5611 - DUE PROCESS RIGHTS** - The Board of Education recognizes that students have limited constitutional rights when it comes to their education. Accordingly, the Board establishes the following procedures:

**Student subject to suspension:** When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator: the student will be informed in writing of the potential suspension and the reasons for the proposed action; the student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions; an attempt will be made to notify parents or guardians by telephone if a suspension is issued; within one (1) school day of the suspension the Superintendent, principal, or other administrator will notify the parents, guardians, or custodians of the student. The notice will include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the suspension to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within five (5) calendar days after the date of the notice to suspend. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information; notice of this suspension will also be sent to the Superintendent; student's school record (not for inclusion in the permanent record). If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

**Appeal of Suspension to the Board or its designee** - The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Board or its designee. They may be represented in all such appeal proceedings. A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Board. The procedure to pursue such appeal will be provided in regulations approved by the Superintendent. Notice of appeal must be filed, in writing, with the Treasurer or the Superintendent within five (5) calendar days after the date of the notice to suspend.

While a hearing before the Board may occur in executive session, the Board must act in public.

**Appeal to the Court** – Under Ohio law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas.

**Students subject to expulsion:** When a student is being considered for expulsion by the Superintendent: 1) The Superintendent will give the student and parent, guardian, or custodian, written notice of the intended expulsion, including reasons for the intended expulsion; 2) The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice

will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent; 3) Within one (1) school day of the expulsion, the Superintendent will notify the parents, guardians, or custodians of the student and Treasurer of the Board. The notice will include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the expulsion to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice of expulsion. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

**Appeal of Expulsion to the Board** – A student who is eighteen (18) or older or the student’s parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee. A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian. The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent. Notice of appeal must be filed, in writing, within fourteen (14) calendar days after the date of the Superintendent’s decision to expel with the Treasurer of the Board or the Superintendent. While a hearing before the Board may occur in executive session, the Board must act in public.

**Appeal to the Court** – Under State law, the decision of the Board or designee may be further appealed to the Court of Common Pleas.

**Students subject to emergency removal** - Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.03 – Emergency Removal.

**Students subject to permanent exclusion** - Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.01 – Permanent Exclusion of Nondisabled Students.

**Students subject to suspension from bus riding/transportation privileges** - Students whose conduct warrants suspension from bus riding and/or transportation services shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

In determining whether disciplinary action set forth in this policy is to be implemented, District Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315 – Information Management (i.e., “Litigation Hold”)) created and/or received as part of an investigation.

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) 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.

In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely in a supervised learning environment within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extra-curricular activities.

**5772 – WEAPONS** – The Board of Education prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board, including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The term “weapon” includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordnances under State law.

Policy exceptions include:

- A. items pre-approved by the building principal as part of a class or individual presentation under adult supervision if used for the purpose and in the manner approved (working firearms and any ammunition will never be approved as part of a presentation);
- B. theatrical props used in appropriate settings.

Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the Building Administrator. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, Policy 5610, and Policy 5610.01, and through administrative guidelines.

The Superintendent is authorized to establish instructional programs on the weapons and the requirement that students immediately report knowledge of weapons and threats of violence by students and/or staff to the building principal. Failure to report such knowledge may subject the student to discipline.

The Superintendent will refer any student who violates this policy to the student’s parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

**5780 - STUDENT RIGHTS AND RESPONSIBILITIES** – The Rocky River Board of Education believes that genuine student involvement requires responsible student action which is possible if students are guaranteed certain basic rights, among which are the following, the right to: free inquiry; due process; freedom of association; freedom of peaceful assembly and petition; participate in the governance of the school; freedom from discrimination based upon race, creed, color, sex or national origin; equal educational opportunity.

Responsible student action also means that students have responsibility to attend classes daily and on time, be prepared for class and school activities, respect all persons and property, refrain from abusive inflammatory conduct, abide by the rules and regulations of the Rocky River City School District and other responsibilities as set forth in the Student Handbook. Exercise of the above rights mandates a responsibility and duty not to infringe upon the rights of others.

Within the bounds of fundamental teaching obligations and in relationship to the nature of the subject being taught, teachers should encourage free dynamic expression of ideas among students. Students should not be forced to accept under penalty of academic, administrative, or peer group censure or reprisal a purely personal and arbitrary opinion or idea. In return, students who refuse to abide by the social rules governing fundamental fairness and decency in human dialogue may forfeit their rights to engage in such dialogue and students, who engage in slander or obscenity during such dialogue, whether written, verbal, or symbolic, may subject themselves to disciplinary action.

**7440 - FACILITY SECURITY** - Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board of Education to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the District's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal laws. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other District facilities, and on school buses. The program may also include, but not be limited to:

- A. identification badges for staff, students, and/or visitors;
- B. secured entries;
- C. checkpoint construction;
- D. lighting specifically designed for entry point security;
- E. automatic locks and locking devices;
- F. electronic security systems;
- G. electronic visitor registration and tracking systems;
- H. fencing designed to prevent intruder entry into a building;
- I. bullet-proof or break-resistant glass;
- J. monitoring devices, including smoke and vape/aerosol monitoring devices, in appropriate public areas in and around the schools and other District facilities.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices):

- A. in school buildings;
- B. on District property.

Staff, students, and visitors who intentionally circumvent, interfere with, or disable security measures, systems, and/or devices may be subject to discipline, up to and including termination of employment for an employee, suspension or expulsion from work or school for a student, and may also face criminal charges.

**7440.01 – VIDEO SURVEILLANCE AND ELECTRONIC MONITORING** - The Board of Education authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the District and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases. The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the District to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security. The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent, video surveillance/electronic monitoring equipment shall not be used in areas where person have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms), or in individual classrooms during instructional times. Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action. Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file. Ordinarily video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property. The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an employee's evaluation in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation, and the recording of his/her work and/or observation is conducted in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board if the employee is a member of a bargaining unit. Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes including, but not limited to, completing components of an evaluation, so long as the information is gathered in a manner consistent with law and any applicable collective bargaining agreement or Memorandum of Understanding approved by the Board.

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

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to review a recording under this policy must be made within ten (10) business days of the event/incident. Unless a formal complaint is being investigated, recordings shall be destroyed after thirty (30) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy. The Superintendent is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board. Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

**7540 - TECHNOLOGY** – The Board of Education is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of District operations.

Students' use of District Information & Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form annually. (See also, Policy 7540.03)

The Superintendent or designee shall develop a written District Technology Plan (DTP). The Board will financially support, as the budget permits, the DTP, including recommendations to provide new and developing technology for students and staff.

The DTP shall set forth procedures for the proper acquisition of technology. The DTP shall also provide guidance to staff and students about making safe, appropriate, and ethical use of District Information & Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Information & Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 and AG 7540.03 – Student Education Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 – Staff Education Technology Acceptable Use and Safety.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy **5136** and Policy 7530.02). Users have no right or expectation of privacy when using District Information & Technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District Information & Technology Resources).

Further safeguards shall be established so that the Board's expenditure of public funds to acquire, operate, and maintain District Information & Technology Resources achieves the desired benefits and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; communicating with other individuals in chat rooms or using other messenger apps, or through blogs, audios (i.e. podcasts) and videos; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

Staff use of District-approved social media platforms/sites shall be consistent with Policy 7544.

Students must comply with Policy 5136, Policy 5722, Policy 7540.03, and Policy 7544 when using District Technology Resources to access and/or use District-approved social media.

Similarly, staff must comply with Policy 7544, Policy 7540.04, and Policy 7530.02 when using District Technology resources to access and/or use District-approved social media platforms/sites.

#### **7540.04 – STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology directly affects the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The Board of Education provides District Information & Technology Resources (as defined by Bylaw 0100) (collectively, "District Information & Technology Resources") to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet

system do not serve as a public access service or a public forum and the Board imposes reasonable restrictions on its use consistent with its stated educational purpose.

The Board regulates the use of District Information & Technology Resources by principles consistent with applicable local, State, and Federal laws, and the District's educational mission. This policy and its related administrative guidelines, Policy 7544 and AG 7544, and any applicable employment contracts and collective bargaining agreements govern the staff's use of District Information & Technology Resources and personal communication devices when they are connected to the District's Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property (see Policy 7530.02)

Staff members are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on a staff member's First Amendment rights. Because District Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Staff members have no right or expectation to privacy when using District Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

Staff members are expected to use District Information & Technology Resources to promote educational excellence in our schools by providing students with the opportunity to develop resource-sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services/apps will be guided by Board Policy 2520 – Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, District Information & Technology Resources provide students and staff with the opportunity to communicate with people throughout the world. Access to such an incredible quantity and diversity of information and resources brings with it, however, certain unique challenges and responsibilities.

While the Board uses various technologies to limit the use of District Information & Technology Resources to only use/access online services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members to review and screen all materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education takes place online or through the use of online educational services/apps.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g. filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be



disabled at any time that students may be using the District Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps without prior notice containing appropriate material, if access to such sites has been mistakenly, improperly, or inadvertently blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or designee may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Principals are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include: the safety and security of students while using e-mail, chat rooms, social media and other forms of electronic communications; the inherent danger of students disclosing personally identifiable information online; and the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and unauthorized disclosure, use and dissemination of personally-identifiable information regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities while the students are at school.

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

All staff members who use District Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all District-established cybersecurity procedures including, but not limited to, the use of multi-factored authentication (MFA), for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Staff will be assigned a District-provided school e-mail address that they are required to use for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the District.

With prior approval from the Superintendent or designee, staff may direct students who have been issued school-assigned email accounts to use those accounts when signing up/registering for access to various online educational services/apps, that the students will utilize for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior when using District Information & Technology Resources – i.e., behavior comparable to that expected when they are in physical classrooms and school buildings and at school-sponsored events. Because communications on the Internet are often public in nature, general rules for professional behavior and communication apply. The Board does not approve any use of District Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines and Policy 7544 and its accompanying guideline.

Staff members use of District Information & Technology Resources to access or use social media is to be consistent with Policy 7544 and its accompanying guideline.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's personal communication device. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

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

The Board designates the Superintendent and designee as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of District Information & Technology Resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

**8330 - STUDENT RECORDS** - In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees. In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

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

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution. Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as school officials for the purpose of FERPA: persons or companies with whom the Board has contracted to perform a special task (such as an attorney, auditor, insurance representative, or medical consultant) and contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved on-line educational service providers).

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

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

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

- A. forward student records, including academic records, student assessment data, and disciplinary records including records pertaining to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, or alternatively send written notice to the requesting school if there is no record of the student's attendance. Records will be released upon condition that:

1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; there is no record of the student having attended school in the District or the Board's annual notification – Form 8330 F9 – includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  2. within five (5) school days after receiving the request, either the student records shall be transmitted or a written notice will be provided if there is no record of the student's attendance;
  3. except as when expressly prohibited by law, the District is authorized to withhold grades and credits to enforce payment of outstanding fees and charges, and further, may withhold all of a student's school records if there is \$2,500 or more of outstanding debt attributed to the student, and will only release the records once the debt has been paid;
  4. the parent or eligible student, upon request, receives a copy of the record; and
  5. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records including records pertaining to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;
- C. forward student records, including disciplinary records including records pertaining to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled;

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

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

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

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

- H. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State-supported education program or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16).

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

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

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records. The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required). Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except to those persons or parties stipulated by the Board's policy and administrative guidelines and/or those specified in the law.

**DIRECTORY INFORMATION** - Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as directory information. The Board designates as student directory information: a student's name; address; telephone number; date and place of birth; major field of study; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; awards received.

The Board designates school-assigned e-mail accounts as directory information for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books.

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

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

Parents and eligible students may refuse to allow the Board to disclose any or all of such directory information upon written notification to the Board within five (5) days after receipt of the Superintendent's annual public notice.

In accordance with Federal and State law, the Board shall release the names, addresses, District-assigned e-mail addresses (if available), and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, District-assigned e-mail addresses (if available), and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces. The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent. The Board may disclose directory information, on former students without student or parental consent unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent. The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

**Inspection of Information Collection Instrument** - The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student's or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least 15 business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within 15 business days of the principal receiving the request.

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

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

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

The Superintendent is directed to prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to: inspect and review the student's educational records; request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights; consent to disclosures of personally-identifiable information contained in the student's educational records, except to those disclosures allowed by the law; challenge Board noncompliance with a parent's request to amend the records through a hearing; file a complaint with the United States Department of Education; obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for: the proper storage and retention of records including a list of the type and location of records; informing Board employees of the Federal and State laws concerning student records.

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

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

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

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

Although the student's actual/confidential address will not be available for release as directory information, the parent (or adult student) may also request that the student's name and telephone number be withheld from any release of directory information. Additionally, if applicable, the student's parent's school, institution

of high education, business, or place of employment (as specified on an application to be a program participant or on a notice of change of name or address) shall be maintained in a confidential manner.

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

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

**9130 – PUBLIC COMPLAINTS** – Any person or group, having a legitimate interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the Board of Education has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

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

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

**Matters Regarding a Professional Staff Member**

A. First Level

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority and District administrative guidelines. This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member. As appropriate, the staff member shall report the matter and whatever action may have been taken to the Principal.

B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's Principal and in compliance with provisions of a collective bargaining agreement, if applicable.



C. Third Level

If a satisfactory solution is not achieved by discussion with the Principal, a written request for a conference shall be submitted to the Superintendent or Designee. This request should include:

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

Should the matter be resolved in conference with the Superintendent or Designee, the Board shall be advised of the resolution.

D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's or Designee's authority and requires a Board decision or action, the complainant submit a written request to the Board president for a conference with the Board. The Board, after reviewing all material relating to the case, shall provide the complainant with its written decision and/or grant a meeting before the Board and/or before a committee of the Board. The complainant shall be advised, in writing, of the Board's decision, no more than thirty (30) business days following the meeting. The Board's decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

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

**Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the District's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed. Except that the "second level" shall be bypassed.

**Matters Regarding the Superintendent or Treasurer**

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

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

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

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

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

In the case of a classified staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member". Except that "second level" shall be discussed by the complainant with his/her supervisor.

#### **Matters Regarding District Services or Operations**

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

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

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

#### **Matters Regarding Instructional Materials**

The Superintendent shall prepare administrative guidelines addressing students' and parents' rights to be adequately informed each year regarding their ability to inspect instructional materials and the procedure for completing such an inspection. See AG 9130A and [Form 9130 F3](#).

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aides used in the District, the following procedure shall be followed:

- A. The criticism is to be addressed to the Assistant Superintendent, in writing and shall include:

1. author;
  2. title;
  3. publisher;
  4. the complainant's familiarity with the material objected to;
  5. sections objected to, by page and item;
  6. reasons for objection.
- B. Upon receipt of the information, the Assistant Superintendent may appoint a review committee which may consist of one (1) or more professional staff members including Teacher, Principal;
- C. The committee, in evaluating the questioned material, shall be guided by the following criteria:
1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
  2. the accuracy of the material
  3. the objectivity of the material
  4. the use being made of the material
- D. The material in question may not be withdrawn from use pending the committee's recommendation to the Superintendent.
- E. The committee's recommendation shall be reported to the Superintendent in writing within thirty (30) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
- F. The complainant may appeal this decision, within thirty (30) business days, to the Board through written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
- G. The Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) business days.

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

**2210 – CURRICULUM DEVELOPMENT** – The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum development established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

- A. the courses of study, subjects, classes, and organized activities provided by the school;
- B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;
- C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;
- D. the plan for learning necessary to accomplish the educational goals of the District;
- E. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District;
- F. lessons, units of instruction, and assessments that are aligned with prescribed academic content standards.

The Board directs that the curriculum of this District provide instruction in courses required by the statute and Ohio Department of Education regulations and shall be consistent with the District's philosophy and goals. Further, the Superintendent shall provide an opportunity for parents to review the selection of textbooks and reading list, instructional materials, and the academic curriculum of the District.

The curriculum shall:

- A. allow for the development of individual talents and interests as well as recognize that learning styles of students may differ;
- B. provide for continuous and cumulative learning through effective articulation at all levels;
- C. utilize a variety of learning resources to accomplish the educational goals;
- D. emphasize principles of democracy and ethics in appropriate parts of the curriculum for students in all grades;
- E. provide for the use of phonics in the teaching of reading in grades K – 3;

- F. encourage students to utilize guidance and counseling services in their academic and career planning.

As educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

**6152.01 – WAIVER OF SCHOOL FEES FOR INSTRUCTIONAL MATERIALS** – The Rocky River City School District may waive fees assessed by the District for instructional materials for students who demonstrate a serious financial need. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the requests for the waiver of fees. The waiver does not include District fees associated with extra-curricular activities or student enrichment programs that are not part of a course of instruction.

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

### **Eligibility Standards**

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

- A. Students who qualify for aid under Ohio Works First (R.C. 5107) or Disability Assistance (R.C. 5115).
- B. Students who qualify for free lunch under the National School Lunch Act and the Child Nutrition Act of 1966.
- C. Students whose families have suffered very significant financial losses due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.
- D. Students who qualify for reduced breakfast and/or lunch under the Ohio School Meals Program.

### **Notification to Parents**

- A. Annually the substance of the policy shall be communicated in writing to the parent(s) or guardian of all students in the District.
- B. The First bill or notice sent to parents or guardians who owe fees shall state:

1. The District will waive fees for persons unable to afford them in accordance with this policy.
2. The procedure for applying for a fee waiver, and the name, address and telephone number of the person to contact for information concerning a fee waiver.

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

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

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

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

### **Nondiscrimination**

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

**9150 - SCHOOL VISITORS** – The Board of Education welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The Superintendent or principal has the authority to prohibit the entry of any person to a school of this District or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

The Superintendent shall promulgate such administrative guidelines as are necessary for the protection of students and employees of the District from disruption to the educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the principal. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

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

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the School Board.

**8310 - PUBLIC RECORDS** - The Board of Education is responsible for maintaining the public records of this District and to make such records available to residents of Ohio for inspection and reproduction. The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43. No public records, including, but not limited to personnel records, personnel files, or staff directories or student records shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the student's, parent's or employee's address.

The District's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The District's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the

records are stored, and/or for the District to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

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

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgement shall include the following: an estimated number of business days necessary to satisfy the request; an estimated cost if copies are requested; any items within the request that may be exempt from disclosure.

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

A person may obtain copies of the District's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the District keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and the mailing supplies. The number of records requested by a person that the District will transmit by U.S. mail shall be limited to ten (10) per month, unless the person certifies, in writing to the District, that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. "Commercial" shall be narrowly defined and does not include reporting or gathering news, reporting gathering information to assist citizen oversight or understanding of the operation or activities of the District, or nonprofit educational research. (R.C. 149.43(B)(7)). Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is ten cents (\$.10) per page. The charge for download computer files to a compact disk is \$1.00 per disc. There is no charge for documents emailed.

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



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

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

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

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of this District, except student records and certain portions of personnel records. A School District Records Commission shall be established consisting of the Board President, Treasurer, and Superintendent of Schools in accordance with law to judge the advisability of destroying District records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

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

**8141 - MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES** - The Board of Education recognizes its responsibility to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the teaching profession under certain specific circumstances, will be reported by the Superintendent (or Board President if the Superintendent or Treasurer are determined to have engaged in such misconduct) to the Ohio Department of Education.

**Definitions** - "Licensed professional staff member" refers to Board employees who hold an educator's license or certification with the Ohio Department of Education (ODE) (including the Treasurer and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), individuals holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a Pupil Activity Program Permit. The definition of "conduct unbecoming the teaching profession" is set forth in the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education and includes: crimes or misconduct involving minors; crimes or misconduct involving school children; crimes or misconduct involving academic fraud; crimes or misconduct involving the school community; making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents; the violation of the terms and conditions of a consent agreement with the State Board of Education; a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or 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; a failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education.

**Reporting Professional Misconduct** - The Superintendent will file a report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members, under any of the following circumstances: when the Board obtains knowledge that a licensed professional staff member has pled guilty, has been found guilty, or has been convicted, and/or subject to a judicial finding for intervention in lieu of conviction and/or participated in a pre-trial diversion program for a crime specified in R.C. 3319.31(B)(2) or 3319.39(B)(1), including but not limited to any felony, any misdemeanor sex offense, any offense of violence, any theft offense and any drug abuse offense that is not a minor misdemeanor; when the Board has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession; when the professional staff member has resigned under threat of termination or non-renewal for any of the reasons set forth in paragraphs A and B above; when the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

**Reporting Professional Misconduct – Dual Licensure** – In addition to required misconduct reporting to the Ohio Department of Education, the Board designates the Superintendent to file reports of misconduct with any other State Professional Board if an employee is required to hold a license or certificate issued by that Board to practice in the school setting. This applies to pupil services employees including school nurses, audiologists, social workers, speech-language pathologists, occupational therapists, assistant occupational therapists, physical therapists, and physical therapy assistants, as well as registered nurses, licensed practical nurses, medication aids, and certified community health workers.

**Misconduct by Superintendent or Treasurer** - If the employee to whom any of the above conditions apply is either the Superintendent or Treasurer, the Board President shall make the report required under this policy and in accordance with R.C. 3319.313.

**Failure to File Report/Filing of False Report** - The Board acknowledges that if the Superintendent (or Board President, where applicable) knowingly fails to file a required report of misconduct by a licensed educator or cause a false report of misconduct by a licensed employee of the Board to be filed, they will be subject to criminal penalties under law. In addition, failure to file a required report will subject the designated reporter to a potential denial, limitation, suspension or revocation of the educator license of such designated reporter.

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

**Suspension from Duties Involving Care, Custody or Control of a Child** - In accordance with Policy 3138 and Policy 4138, the Superintendent, Treasurer, or Board (depending upon the position of the employee being charged) shall immediately suspend a licensed employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that person has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31(C).

**3121 - CRIMINAL HISTORY RECORD CHECK** - In accordance with State law, the Board of Education requires a criminal background check of each applicant the Superintendent recommends for employment on the District's professional staff as well as for current employees on a periodic basis. This requirement includes all substitutes and persons employed on a part-time basis such as coaches or activity supervisors. In addition, all professional staff members with a license, certificate, or permit issued by the Ohio Department of Education must undergo a criminal background check as prescribed by law. Such background check is not otherwise required of any currently-employed staff member who is a candidate for another position within the District.

The Superintendent shall establish administrative guidelines which will require a records check that complies with the law through the Bureau of Criminal Identification and Investigation (BCII) and through Federal Bureau of Investigation (FBI) records.

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

Should it be necessary to employ a person to maintain a 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. In accordance with State regulations, the Superintendent shall request the Director of Transportation to conduct a biennial criminal history record check on each employed bus driver.

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

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

**5330 - USE OF MEDICATIONS** - The Board of Education shall not be responsible for the diagnosis and treatment of student illness. With the exception of diabetes care covered under Policy 5336, the administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

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

Before any prescribed medication (i.e., a drug) or treatment may be administered to any student during school hours, the Board shall require a written statement from a licensed health professional authorized to prescribe drugs ("prescriber") accompanied by the written authorization of the parent (see Form 5330 F1, Form 5330 F1a, and Form 5330 F1b). These documents shall be kept on file in the office of the Board of Education, and made available to the persons designated by this policy as authorized to administer medication or treatment. A copy of the parent's written request and authorization and the prescriber's written statement must be given, by the next school day following the District's receipt of the documents, to the person authorized to administer drugs to the student for whom the authorization and statement have been received. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention and Policy 5500 – Student Code of Conduct.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place,

unless the medications require refrigeration in which case they shall be stored in a refrigerator in a place not commonly used by students, and unless the medication to be administered is diabetes medication, which must be kept in an easily accessible location pursuant to Policy 5336.

Parents may administer medication or treatment with the exception of diabetes care covered under Policy 5336 but only in the presence of a designated school employee.

Additionally, students may administer medication or treatment to themselves, if authorized in writing by their parents and a licensed health professional authorized to prescribe drugs but only in the presence of a designated school employee with the exception of students authorized to attend to their diabetes care and management pursuant to Policy 5336.

However, students shall be permitted to carry and use, as necessary, an asthma inhaler, provided the student has prior written permission from his/her parent and physician and has submitted Form 5330 F3, Authorization for the Possession and Use of Asthma Inhalers/Other Emergency Medication(s), to the principal and any school nurse assigned to the building.

Additionally, students shall be permitted to carry and use, as necessary, an epinephrine autoinjector to treat anaphylaxis, provided the student has prior written approval from the prescriber of the medication and his/her parent/guardian, if the student is a minor, and has submitted written approval (Form 5330 F4), Authorization for the Possession and Use of Epinephrine Autoinjector (epi-pen) to the principal and any school nurse assigned to the building. The parent/guardian or the student shall provide a back-up dose of the medication to the principal or school nurse. This permission shall extend to any activity, event, or program sponsored by the school or in which the school participates. In the event epinephrine is administered by the student or a school employee at school or at any of the covered events, a school employee shall immediately request assistance from an emergency medical service provider (911). Students with diabetes authorized to attend to their diabetes care and management may do so in accordance with Policy 5336.

Students shall be permitted to possess and self-administer over-the-counter topical sunscreen products while on school property or at a school-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the Principal (See Form 5330 F1a or Form 5330 F1b).

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

With the exception of diabetes care covered under Policy 5336, provided they have completed the requisite training, the following staff are authorized to administer medication and treatment to students: principal; teacher; school nurse; building secretary; aide; others as designated by student's IEP and/or 504 plan; all trained staff. No employee will be required to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

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

The Superintendent shall prepare administrative guidelines, as needed, to address the proper implementation of this policy.

**8431 - PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD** - The Board of Education is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction.

**TOXIC HAZARDS** - These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment. The Superintendent shall appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer is responsible for: identifying potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Material Safety Data Sheets (MSDS's); verifying that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party; maintaining a current file of MSDSs for every hazardous material present on District property; conducting a Hazardous Communication training program for all new employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

**APPLICATION OF PESTICIDES** - Any staff member or contractor who applies pesticides on District property shall meet the requirements of AG 8431A in addition to the requirements established by law. Written notification shall be provided each year, prior to any pesticide application when school is in session, to those parents, adult students, and employees requesting prior notification of scheduled pesticide applications: that a pesticide is to be applied; the type of pesticide and its potential side effects; the location of the application; and the date of the application. The method and type of prior notifications and signage shall be determined by the District (AG 8431A). If circumstances arise that prevent prior notification from being provided, regarding such emergency application of pesticides to control organisms that pose an immediate health threat, the District shall provide notice as soon as possible. In addition to the information specified above, the notice shall provide the reasons why advance notice was not provided.

**ASBESTOS** - In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA), the Ohio Occupational Safety and Health Act (OSHA), and the Ohio Public Employment Risk Reduction Act (PERRA) the Board recognizes its responsibility to: inspect all District buildings for the existence of asbestos or asbestos-containing materials; take appropriate actions based on the inspections; establish a program for dealing with friable asbestos, if found; maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos; comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials; and maintain a contract with a licensed consultant via a three year cycle to evaluate possible presence of friable asbestos throughout the district.

The Superintendent shall appoint a person to develop and implement the District's Asbestos-Management Program. Said individual will be responsible for the District's proper compliance with Federal and State laws and the appropriate instruction of staff and students. The Superintendent shall also verify that, when conducting asbestos abatement projects, each contractor employed by the District is licensed pursuant to the Ohio Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

**FOOD SERVICE MANAGEMENT/CHILD NUTRITION PROGRAMS** – It will be the purpose of the food service program in the Rocky River City School District to provide well-balanced meals that are nourishing at moderate prices for students in grades 6-12 without cost to the school district. The Board participates in the National School Lunch Program and receives commodities donated by the United States Department of Agriculture for use in free and reduced

priced meals. It is the responsibility of the administration to determine eligibility of the students involved and to implement the program for providing the free and reduced-price meals within the framework of government controls.

**MCKINNEY VENTO HOMELESS EDUCATION ASSISTANCE ACT** - The Superintendent will appoint a Liaison for Homeless Children whose general duty will be to safeguard the rights of homeless children attending school in this District. The Liaison must be notified immediately upon the enrollment or assignment of a homeless child. The Liaison will coordinate operations and services so that: homeless children are identified, with special attention given to the enrollment and attendance of homeless children who are not currently attending school; homeless children have a full and fair opportunity to succeed in school; homeless families and children receive educational services for which they are eligible, including any preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services; parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; public notice of the educational rights of homeless children is disseminated where such children receive services, such as schools, family shelters, and soup kitchens; enrollment disputes are mediated in accordance with Board Policy and the State Consolidated Plan; the parents or guardians of any homeless child and any unaccompanied homeless minor are fully informed of transportation services and assisted in accessing such transportation; appropriate data is collected and reported regarding homeless children and youth as required by the U.S. Department of Education and the Ohio Department of Education for use in making necessary program adjustments.

Upon enrollment of a homeless child, the Liaison will coordinate with appropriate administrative staff to assure that the school last attended by a homeless child is immediately contacted to provide relevant academic or other relevant records. If upon enrollment the homeless child is found to be in need of any immunization required for enrollment by State law or any other medical records, the Liaison will assist the family or student in obtaining the immunizations or necessary medical records. The Liaison will also contact the Director of Transportation to assure transportation of the homeless student is provided in accordance with the Board's Transportation Policy. Any disputes regarding the enrollment or assignment of a homeless student will be referred to the Liaison for expeditious resolution. The Liaison should attempt to resolve disputes within five (5) school days. Any dispute which cannot be resolved by the Liaison should be reported to the State Coordinator for the Education of Homeless Children and Youth at the Ohio Department of Education. According to State guidelines, the State Coordinator has an additional five (5) school days from the time of notification to bring about resolution. Individuals not satisfied with the State Coordinator's proposed resolution can appeal such decision to the State Superintendent of Public Instruction within five (5) school days for final resolution of the dispute.

As part of his/her assigned duties, the Liaison will coordinate and collaborate with the State Coordinator for Homeless Children and other community and school personnel responsible for providing education and related services to homeless children including but not limited to: School District services with local social service agencies and other agencies or programs providing services to homeless children and their families; and with other school districts on inter-district issues, such as transportation or the transfer of school records. Such coordination should be designed to facilitate homeless children having access and reasonable proximity to available education and related support services and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

As part of his/her assigned duties, the Liaison for Homeless Children will inform school personnel, services providers and advocates working with homeless families about his/her duties.

**PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)** – PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to: consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) – 1) Political affiliations or beliefs of the student or student’s parent; 2) Mental or psychological problems of the student or

student's family; 3) Sex behavior or attitudes; 4) Illegal, anti-social, self-incriminating, or demeaning behavior; 5) Critical appraisals of others with whom respondents have close family relationships; 6) Legally recognized privileged relationships, such as with lawyers, doctors, or ministers; 7) Religious practices, affiliations, or beliefs of the student or parents; or 8) Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of – 1) Any other protected information survey regardless of funding; 2) Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and 3) Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use – 1) Protected information surveys of students; 2) Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and 3) Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The Board has developed policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement: collection, disclosure, or use of personal information for marketing, sales or other distribution; administration of any protected information survey not funded in whole or in part by ED; any non-emergency, invasive physical examination or screening as described above. *Parents who believe their rights have been violated may file a complaint with:* Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901

**PARENTAL AND STUDENT NOTIFICATION PROCEDURES** – Keeping parents informed is a top priority at the Rocky River City School District. The District adopted the AlertNow Notification Service that allows us to send a telephone or email message to parents providing important information about emergencies or school events. In the event of an emergency at school, parents will be informed immediately by telephone. The email notification service allows us to reduce paper and mailing costs and ensures that necessary information reaches our parents. AlertNow has an online parent portal, AlertNow Access, which will allow parents to choose which contact numbers and email addresses for the system to use. Telephone messages will be used for school cancellations or for emergencies. Email messages will be used to notify parents about events such as report card distribution, open houses, conferences, and to distribute items such as school newsletters. The District's website (<http://www.rrcs.org>) contains an on-line parent email form for purposes of providing the District this critical information.

**9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS** - The Board of Education welcomes and encourages members of the community to attend athletic and other public events held by the schools in the District. Due to the need to maintain order and preserve the facilities of the District during the conduct of such events, the Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested.

In accordance with Board Policy 7440 and AG 7440B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors. For all school-affiliated events where admission is charged, cash shall be accepted as a method of payment. If concessions are offered, there will be at least one (1) concession stand that will accept cash. If concessions are sold on multiple floors, then at least one (1) location on each floor will accept cash. Persons who receive cash at designated collection points will deposit the cash with the Treasurer/CFO on the next business day of receipt in accordance with Policy 6600. No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed at any function sponsored by the District at any function occurring on Board property. Raffles and similar forms of fund-raising by District-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - District Support Organizations and Policy 9700 - Relations with Special Interest Groups. 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. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded. Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended. Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See Policy 8390). Smoking and/or the use of tobacco and/or tobacco substitute products is prohibited at any time within any enclosed facility owned or leased or contracted for by the Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. For purposes of this policy, "use of tobacco" mean 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 smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, and any other smoking devices for burning tobacco or any other substances (See Policy 7434).

Such prohibition also applies to school grounds and/or any school-related event and in designated areas as defined in statute and by Ohio's Smoke-Free Workplace Program. The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events. Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the District. If the performance is of copyrighted material and the necessary license has not been secured in advance by the District, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of non-district audio/visual recording equipment at any District-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity. Any person or organization seeking to film students or a school activity which is not a public event, must obtain prior permission from the Superintendent. All notices, signs, schedules, and other communications about school events must contain the following statement:

"In accordance with State and Federal law, the District will provide reasonable accommodations to persons with disabilities who wish to attend and/or



participate in school events. Such individuals should notify the BUILDING PRINCIPAL if they require a reasonable accommodation."

**3122 - 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 transgender 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.

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful discrimination or retaliation.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Discrimination Coordinator alleging unlawful discrimination or retaliation against a Respondent and requesting that the District investigate the allegation(s) of unlawful discrimination or retaliation. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-Discrimination Coordinator signs a Formal Complaint, the Anti-Discrimination Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation to the District’s Anti-Discrimination Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful discrimination or retaliation or to inform an individual about how to report unlawful discrimination or retaliation, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Discrimination Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged unlawful discrimination or retaliation.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful discrimination or retaliation.

**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 holiday(s)).

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Discrimination Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Discrimination Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Discrimination Coordinator.

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Discrimination Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260, 2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful discrimination or retaliation, how to report or file a formal complaint of unlawful discrimination or retaliation, and how the District will respond.*

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

### **Grievance Process and Procedures**

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

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

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

### **Report of Unlawful Discrimination or Retaliation**

Any person may report unlawful discrimination or retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation), in person, by mail, by telephone, or by electronic mail, using the Anti-Discrimination Coordinator's contact information listed above, or by any other means that results in the Anti-Discrimination Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Discrimination Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful discrimination or retaliation promptly to the Anti-Discrimination Coordinator or to any Board employee, who will, in turn, notify the Anti-Discrimination Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Discrimination Coordinator for purposes of addressing that report of unlawful discrimination or retaliation.

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

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

Any allegations of misconduct not involving unlawful discrimination or retaliation may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation, a Board employee who has independent knowledge of or receives a report involving allegations of unlawful discrimination or retaliation must notify the Anti-Discrimination Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Discrimination Coordinator.

If a Board member fails to report an incident of unlawful discrimination or retaliation of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of unlawful discrimination or retaliation is made, the Anti-Discrimination Coordinator shall promptly (i.e., within two (2) days of the Anti-Discrimination Coordinator's receipt of the report of unlawful discrimination or retaliation) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Anti-Discrimination Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of unlawful discrimination or retaliation that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Unlawful Discrimination or Retaliation**

A Formal Complaint may be filed with the Anti-Discrimination Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Discrimination Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful discrimination or retaliation or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Anti-Discrimination Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for

language assistance or accommodation of disabilities. The Anti-Discrimination Coordinator may provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Anti-Discrimination Coordinator will provide written notice of the following to the parties who are know:

- C. notice of the Board's grievance process, including any informal resolution processes;
- D. notice of the allegations of misconduct that potentially constitutes unlawful discrimination or retaliation as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful discrimination or retaliation, and the date and location of the alleged incident, if known.

The written notice must:

- 4. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- 5. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- 6. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

- D. would not constitute unlawful discrimination or retaliation (as defined in this policy) even if proved;
- E. did not occur in the District's education program or activity; or
- F. did not occur against a person in the United States.

If one (1) of the preceding circumstances exist, the Anti-Discrimination Coordinator shall dismiss the Formal Complaint. If the Anti-Discrimination Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Discrimination Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

- D. a Complainant notifies the Anti-Discrimination Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- E. the Respondent is no longer enrolled in the District or employed by the Board; or
- F. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Anti-Discrimination Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Discrimination Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Anti-Discrimination Coordinator may consolidate Formal Complaints as to allegations of unlawful discrimination or retaliation against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of unlawful discrimination or retaliation arise out of the same facts or circumstances.

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Discrimination Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Discrimination Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

- D. the allegations;
- E. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and

F. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

Before commencing the informal resolution process, the Anti-Discrimination Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

#### **Investigation of a Formal Complaint of Unlawful Discrimination or Retaliation**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

- C. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- D. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.



Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Discrimination Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Discrimination Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Discrimination Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

At the hearing, the decision-maker will allow each party or each party's advisor to submit relevant questions to the decision-maker who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions,

including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- G. identification of the allegations potentially constituting unlawful discrimination or retaliation pursuant to this policy;
- H. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- I. findings of fact supporting the determination;
- J. conclusions regarding the application of the applicable code of conduct to the facts;
- K. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- L. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

- C. Informal Discipline

5. writing assignments;
6. changing of seating or location;
7. pre-school, lunchtime, and/or after-school detention;
8. in-school discipline;
9. Saturday school.

D. Formal Discipline

9. suspension of bus riding/transportation privileges;
10. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
11. emergency removal;
12. suspension for up to ten (10) school days;
13. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
14. expulsion for up to one (1) year;
15. permanent exclusion; and
16. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondence is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-

Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- J. oral or written warning;
- K. written reprimands;
- L. performance improvement plan;
- M. required counseling;
- N. required training or education;
- O. demotion;
- P. suspension with pay;
- Q. suspension without pay;
- R. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation): the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

- F. oral or written warning;
- G. suspension or termination/cancellation of the Board's contract with the Third Party vendor or contractor;
- H. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;

- I. restriction/prohibition on the Third Party's ability to be on school property; and
- J. any combination of the same.

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Discrimination Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

The Anti-Discrimination Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- D. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- E. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- F. the Anti-Discrimination Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- G. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful discrimination or retaliation).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Discrimination Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Discrimination Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Discrimination Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful discrimination or retaliation, but arise out of the same facts or circumstances as a report or complaint of unlawful discrimination or retaliation, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful discrimination or retaliation, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful discrimination or retaliation, including any individual who has made a report or filed a Formal Complaint of unlawful discrimination or retaliation, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the Complainant’s and Respondent’s receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

### **Training**

The District’s Anti-Discrimination Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- E. the definition of unlawful discrimination or retaliation (as that term is used in this policy);
- F. the scope of the District’s education program or activity;
- G. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- H. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful discrimination or retaliation to the Anti-Discrimination Coordinator. This training will include practical information about how to identify and report unlawful discrimination or retaliation.

### **Recordkeeping**

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

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

- E. each unlawful discrimination or retaliation investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- F. any appeal and the result therefrom;
- G. any informal resolution and the result therefrom; and
- H. all materials used to train Anti-Discrimination Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Discrimination Coordinator will make the training materials available upon request for inspection by members of the public.

#### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Discrimination Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

#### **Discretion in Application**

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

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

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



**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 transgender 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.

**Complainant** – “Complainant” means an individual who is alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation.

**Respondent** – “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute unlawful discrimination or retaliation.

**Formal Complaint** – “Formal Complaint” means a document filed by a Complainant or signed by the Anti-Discrimination Coordinator alleging unlawful discrimination or retaliation against a Respondent and requesting that the District investigate the allegation(s) of unlawful discrimination or retaliation. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Anti-Discrimination Coordinator signs a Formal Complaint, the Anti-Discrimination Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge** – “Actual knowledge” means notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation to the District’s Anti-Discrimination Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report unlawful discrimination or retaliation or to inform an individual about how to report unlawful discrimination or retaliation, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” includes, but is not limited to, a report of unlawful discrimination to the Anti-Discrimination Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

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

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

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

**Third Parties** – “Third Parties” include, but are not limited to, guests and/or visitors on 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).

**Inculpatory Evidence** – “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged unlawful discrimination or retaliation.

**Exculpatory Evidence** – “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of unlawful discrimination or retaliation.

**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 holiday(s)).

**Eligible Student** – “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

**Anti-Discrimination Coordinator** – The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with 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 and their implementing regulations (collectively, “Nondiscrimination Laws”):

Jennifer Norman  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[norman.jennifer@rrcs.org](mailto:norman.jennifer@rrcs.org)

Samuel Gifford  
Executive Director  
440-333-6000  
1101 Morewood Parkway, Rocky River, OH 44116  
[gifford.samuel@rrcs.org](mailto:gifford.samuel@rrcs.org)

The Anti-Discrimination Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Anti-Discrimination Coordinator.

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

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

*Any inquiries about the application of the Nondiscrimination Laws to the District may be referred to the Anti-Discrimination Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.*

*The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by the Nondiscrimination Laws. The grievance process and procedures are included in Board Policy (including 1422, 1662, 2260, 2266, 3122, 3362, 4122, 4362, and 5517), which are available at: [www.rrcs.org](http://www.rrcs.org). The grievance process and procedures specifically address how to report or file a complaint of unlawful discrimination or retaliation, how to report or file a formal complaint of unlawful discrimination or retaliation, and how the District will respond.*

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

### **Grievance Process and Procedures**

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

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

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

### **Report of Unlawful Discrimination or Retaliation**

Any person may report unlawful discrimination or retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute unlawful discrimination or retaliation), in person, by mail, by telephone, or by electronic mail, using the Anti-Discrimination Coordinator's contact information listed above, or by any other means that results in the Anti-Discrimination Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number or electronic mail address, or by mail to the office address, listed for the Anti-Discrimination Coordinator.

Students, Board members, and Board employees are required (and other members of the School District community and Third Parties are strongly encouraged) to report allegations of sex discrimination or unlawful discrimination or retaliation promptly to the Anti-Discrimination Coordinator or to any Board employee, who will, in turn, notify the Anti-Discrimination Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the

report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Anti-Discrimination Coordinator for purposes of addressing that report of unlawful discrimination or retaliation.

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

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

Any allegations of misconduct not involving unlawful discrimination or retaliation may be addressed through the procedures outlines in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of unlawful discrimination or retaliation or allegations of unlawful discrimination or retaliation, a Board employee who has independent knowledge of or receives a report involving allegations of unlawful discrimination or retaliation must notify the Anti-Discrimination Coordinator immediately of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Anti-Discrimination Coordinator.

If a Board member fails to report an incident of unlawful discrimination or retaliation of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of unlawful discrimination or retaliation is made, the Anti-Discrimination Coordinator shall promptly (i.e., within two (2) days of the Anti-Discrimination Coordinator's receipt of the report of unlawful discrimination or retaliation) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Anti-Discrimination Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal** – Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from

the allegations of unlawful discrimination or retaliation that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

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

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

### **Formal Complaint of Unlawful Discrimination or Retaliation**

A Formal Complaint may be filed with the Anti-Discrimination Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of unlawful discrimination or retaliation by or involving the Anti-Discrimination Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Anti-Discrimination Coordinator for the limited purpose of implementing the grievance process and procedures with respect to the Formal Complaint.

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of unlawful discrimination or retaliation or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Anti-Discrimination Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Anti-Discrimination Coordinator may provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Anti-Discrimination Coordinator will provide written notice of the following to the parties who are know:

- A. notice of the Board's grievance process, including any informal resolution processes;
- B. notice of the allegations of misconduct that potentially constitutes unlawful discrimination or retaliation as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting unlawful discrimination or retaliation, and the date and location of the alleged incident, if known.

The written notice must:

- 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- 3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

### **Dismissal of a Formal Complaint**

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

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

If one (1) of the preceding circumstances exist, the Anti-Discrimination Coordinator shall dismiss the Formal Complaint. If the Anti-Discrimination Coordinator dismisses the Formal Complaint due to one (1) of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Anti-Discrimination Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:

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

If the Anti-Discrimination Coordinator dismissed a Formal Complaint or allegations therein, the Anti-Discrimination Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Anti-Discrimination Coordinator may consolidate Formal Complaints as to allegations of unlawful discrimination or retaliation against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of unlawful discrimination or retaliation arise out of the same facts or circumstances.

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

### **Informal Resolution Process**

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

If a Formal Complaint is filed, the Anti-Discrimination Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Anti-Discrimination Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker reaching a determination regarding responsibility.

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

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

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

Before commencing the informal resolution process, the Anti-Discrimination Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

#### **Investigation of a Formal Complaint of Unlawful Discrimination or Retaliation**

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

In making the determination of responsibility, the decision-maker is directed to use the preponderance of the evidence standard. The decision-maker is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

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

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

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

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.



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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the Anti-Discrimination Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Anti-Discrimination Coordinator shall appoint a decision-maker to issue a determination of responsibility. The decision-maker cannot be the same person(s) as the Anti-Discrimination Coordinator or the Investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker, and prior to the decision-maker issuing a determination of responsibility, the decision-maker may conduct a hearing.

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

If the decision-maker elects to conduct a hearing, the hearing will proceed as follows:

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

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

If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

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

**Determination regarding responsibility** – The decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting unlawful discrimination or retaliation pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. findings of fact supporting the determination;
- D. conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

- A. Informal Discipline
  1. writing assignments;

2. changing of seating or location;
3. pre-school, lunchtime, and/or after-school detention;
4. in-school discipline;
5. Saturday school.

#### B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year;
7. permanent exclusion; and
8. any other sanction authorized by the Student Code of Conduct.

If the decision-maker determines the student Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5601.01 – Permanent Exclusion of Nondisabled Students, Policy 5610.02 – In-School Discipline, Policy 5610.03 – Emergency Removal of Students, Policy 5610.04 – Suspension of Bus Riding/Transportation Privileges, Policy 5610.05 – Prohibition from Extra-Curricular Activities, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker determines the employee Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation): the decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

If the decision-maker determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in unlawful discrimination or retaliation), the decision-maker will recommend appropriate remedies, including the imposition of sanctions. The Anti-Discrimination Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker will provide the written determination to the Anti-Discrimination Coordinator who will provide the written determination to the parties simultaneously.

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

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

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

The Anti-Discrimination Coordinator is responsible for effective implementation of any remedies.

### **Appeal**

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

- A. procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. the Anti-Discrimination Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter;
- D. the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the unlawful discrimination or retaliation).

Any party wishing to appeal the decision-maker's determination of responsibility, or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Anti-Discrimination Coordinator within five (5) days after receipt of the decision-maker's determination of responsibility or the Anti-Discrimination Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending. As to all appeals, the Anti-Discrimination Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker for the appeal shall determine when each party's written statement is due.

The decision-maker for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Anti-Discrimination Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

### **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or unlawful discrimination or retaliation, but arise out of the same facts or circumstances as a report or complaint of unlawful discrimination or retaliation, for the purpose of interfering with any right or privilege secured by the Nondiscrimination Laws or this policy, constitutes retaliation. Retaliation against a person for making a report of unlawful discrimination or retaliation, filing a Formal Complaint, or participating in an investigation and/or hearing, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of unlawful discrimination or retaliation, including any individual who has made a report or filed a Formal Complaint of unlawful discrimination or retaliation, any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act

("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

### **Training**

The District's Anti-Discrimination Coordinator, along with any investigator(s), decision-makers, or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of unlawful discrimination or retaliation (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes hearings, appeals, and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report unlawful discrimination or retaliation to the Anti-Discrimination Coordinator. This training will include practical information about how to identify and report unlawful discrimination or retaliation.

### **Recordkeeping**

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

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

- A. each unlawful discrimination or retaliation investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;

- B. any appeal and the result therefrom;
- C. any informal resolution and the result therefrom; and
- D. all materials used to train Anti-Discrimination Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Anti-Discrimination Coordinator will make the training materials available upon request for inspection by members of the public.

### **Outside Appointments, Dual Appointments, and Delegations**

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

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Anti-Discrimination Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

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

### **Discretion in Application**

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

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

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

**1422.02/3122.02/4122.02 - 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 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 appoints the Executive Directors (HR and Pupil Services) as the compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. The compliance officer 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. 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 their health services providers, but only genetic information in aggregate form will be provided to the Board.

**2623.02 - THIRD GRADE READING GUARANTEE** - All students entering the third grade must demonstrate a certain level of competency in reading before advancing to the fourth grade. In accordance with State law, the Superintendent shall develop a program for the annual assessment of the reading skills of each student at the end of first, second, and third grade, and identify those students who are reading below their grade level. Each student's classroom teacher shall be involved in the assessment and identification of those students who are reading below grade level. The District shall provide intervention services to students whose assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

**Definitions** - "On track" means any student who is reading at or above the student's grade level based on previous end of year standards expectations by September 30<sup>th</sup>. "Not on track" means a student is reading below the student's grade level based on previous end of year standards expectations by September 30<sup>th</sup>.

#### **Assessment of Reading Skills Program –**

- A. Diagnostic assessments in reading, as approved by the Ohio Department of Education and Workforce (DEW), shall be given by September 30<sup>th</sup> of each year for students in grades one (1) through three (3), with the exception of students with significant cognitive disabilities or other disabilities as authorized by the DEW on a case-by-case basis. For kindergarten students, the kindergarten readiness assessment shall be administered not earlier than the first day of July of the school year and not later than the 20<sup>th</sup> day of instruction for that school year. For students enrolled in first, second, or third grade, the diagnostic assessments in reading shall be administered at least once annually (R.C. 3313.608, 3313.0715).

The District shall administer each applicable diagnostic assessment to any student who transfers into the District or into a different school within the District who did not take a diagnostic assessment at the student's previous school during the current school year, unless the student is excused from taking the assessment as provided for in the preceding paragraph. The diagnostic assessment(s) shall be administered within thirty (30) days of transfer (R.C. 3313.0715).

After the administration of any diagnostic assessment, the District shall provide to each student's parent a copy of the student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment. The preceding documents and information shall be included in any reading improvement and monitoring plan(s) developed with respect to the student. The District shall also submit to the DEW the results of the diagnostic assessments administered pursuant to this section, except the results of the kindergarten readiness assessment shall be submitted to the Department of Children & Youth.

- B. Diagnostic assessment results shall be translated to DEW's definitions of "on track" and "not on track". The District shall make the final determination regarding whether a student is "on track" or "not on track".

- C. If the diagnostic assessment shows that a student is "not on track" to be reading at grade level by the end of the year, the parent will be notified, in writing, of the following:
1. that the school has identified the student as having a substantial deficiency in reading
  2. a description of current services provided to the student
  3. a description of proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency
  4. that the statutorily prescribed assessment is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the District in knowing when a student is reading at or above grade level and ready for promotion
  5. that the student will be retained in the third grade if s/he does not attain a score in the statutorily prescribed level on the third grade English Language Arts assessment, unless the student is exempt as delineated below.
  6. a statement that connects the child's proficiency level in reading to long-term outcomes of success related to proficiency in reading
- D. For each student identified to be "not on track", the District shall:
1. provide intensive reading intervention services and regular diagnostic assessments immediately following identification of a reading deficiency until the development of a reading improvement and monitoring plan;  
  
The intervention services shall be aligned with the science of reading as defined under State Law and include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted to the student's identified reading deficiencies.
  2. develop a reading improvement and monitoring plan (RIMP) within sixty (60) days of learning of the reading deficiency.  
  
The District shall involve the student's parent/guardian and classroom teacher in developing the plan.
  3. assign a teacher who has at least one (1) year of teaching experience and satisfies one (1) or more of the following criteria:

- a. holds a reading endorsement and has attained a passing score on the corresponding assessment, as applicable
- b. has obtained a master's degree with a major in reading
- c. was rated "most effective" for reading instruction consecutively for the most recent two (2) years based on assessments of student growth measures developed by a vendor and that is on the list of DEW-approved student assessments
- d. was rated "above expected value added," in reading instruction, as determined by criteria established by the DEW, for the most recent consecutive two (2) years
- e. has earned a passing score on a DEW-approved rigorous test of principles of scientifically research-based reading instruction
- f. holds an educator license for teaching grades pre-kindergarten through three (3) or four (4) through nine (9) issued on or after July 1, 2017

The District may alternatively assign a teacher with less than one (1) year of teaching experience provided the teacher meets at least one (1) of the criteria (a-f) set forth above and the teacher is assigned a qualified teacher mentor. The student may receive reading intervention or remediation services from a duly licensed speech-language pathologist.

Finally, nothing in this Policy shall prevent a teacher, other than a student's classroom teacher (i.e., teacher of record), from providing the requisite reading intervention or remediation services to the student, so long as the assigned teacher has at least one (1) year of teaching experience, satisfies at least one (1) of the criteria (a-f) set forth above, and both the classroom teacher and the building Principal agree to the assignment. Such an assignment must be documented in the student's reading improvement and monitoring plan.

**Reading Improvement and Monitoring Plan (RIMP)** - A reading improvement and monitoring plan will be provided until the student achieves the required level of skill in reading for the student's current grade level. The RIMP developed for students identified as "not on track" shall include:

- A. identification of the student's specific reading deficiency;
- B. a description of proposed supplemental instructional services and support that will be provided to the student to remediate the identified reading deficiencies;
- C. opportunities for the student's parent/guardian to be involved in the instructional services and support;

- D. a process to monitor the implementation of the student’s instructional services and support;
- E. a reading curriculum during regular school hours that assists students to read at grade level, provides scientifically based and reliable assessments, and provides initial and ongoing analysis of each student’s reading progress; and
- F. a statement that if the student does not attain at least the equivalent level of achievement designated under R.C. 3301.0710(A) (3) on the assessment prescribed to measure skill in English language arts expected by the end of the third grade, the student may be retained in third grade; and
- G. high-dosage tutoring opportunities aligned with the student’s classroom instruction through a State-approved vendor on the list of high-quality tutoring vendors, or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring shall include additional instruction time of at least three (3) days per week or at least fifty (50) hours over thirty-six (36) weeks.

Beginning with the 2024-2025 school year, the District will utilize evidence-based reading intervention programs that focus on intensive, explicit, and systematic instruction in phonetic awareness, phonics, vocabulary, fluency, comprehension, and writing from a list developed by the DEW. The District will not use and will not seek a waiver to use the three-cuing approach to teach students in grades pre-kindergarten to five (5) who have a RIMP except as permitted by law.

**Reporting Requirements** - All assessment results and determinations shall be compiled and maintained by the District. The District shall comply with all reporting requirements of Ohio’s Third Grade Reading Guarantee.

**Promotion/Retention** – No student shall be promoted to the fourth grade who does not attain at least the equivalent level of achievement designated by R.C. 3301.0170(A)(3) on the assessment prescribed to measure skill in English language arts (ELA) expected at the end of third grad unless the student is excused from taking the assessment pursuant to R.C. 3301.0711(C), or one (1) of the following applies:

- A. the student is an English Learner who has been enrolled in United States schools for less than three (3) full school years and has had less than three (3) years of instruction in an English as a second language program; or
- B. the student is a child with a disability entitled to special education and related services under R. C. Chapter 3323 and the student’s individualized education program (IEP) exempts the student from retention under State law; or
- C. the student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the Ohio Department of Education and Workforce (DEW); or
- D. all of the following apply:
  - 1. The student is a child with a disability entitled to special education and related services under R.C. Chapter 3323.
  - 2. The student has taken the third grade English language arts achievement assessment, as prescribed.

3. The student's IEP or Section 504 Plan shows that the student has received intensive remediation in reading for two (2) school years, but still demonstrates a deficiency in reading.
  4. The student previously was retained in any of grades kindergarten to three (3).
- E. the student received intensive remediation for reading for two (2) school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three (3); or
- Any such student shall continue to receive intensive reading instruction in grade four (4). The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies that have been successful in improving reading among low-performing readers.
- F. a student's parent or guardian, in consultation with the student's reading teacher and building principal, requests that the student, regardless of if the student is reading at grade level, be promoted to fourth grade. Any such student will continue to receive intensive reading instruction in the same manner as a student retained until the student is able to read at grade level.

A student retained under the provisions of the Third Grade Reading Guarantee and this policy shall be considered for mid-year promotion if that student demonstrates that s/he is reading at or above grade level, in accordance with the provisions of Policy 5410 – Promotion, Academic Acceleration, Placement, and Retention. Such action shall be considered in consultation with the parent/guardian and the Student Intervention Team and with the concurrence of the building principal.

**Intensive Remediation Services** - Remediation services for students on reading improvement and monitoring plans shall be aligned with the science of reading as defined by State law and include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers.

If a student is retained by the Third Grade Reading Guarantee, the student must be provided intense remediation services until the student is able to read at grade level. The remediation services must include intense interventions and consist of at least ninety (90) minutes of reading instruction daily.

The District shall provide the option for students to receive reading intervention services from one (1) or more providers other than the District. Both the District and DEW have the authority to screen and approve such providers.

Interventions for students who have been retained may include:

- A. small group instruction;
- B. reduced student-teacher ratios;
- C. more frequent progress monitoring;
- D. tutoring or mentoring;

- E. transition classes containing third and fourth grade students;
- F. summer reading camp; or
- G. extended school day, week, or year.

Intensive remediation services shall be targeted to the student's identified reading deficiency.

Nothing in this policy shall prevent the District from assigning a teacher to teach reading to any student who is an English language learner, and has been in the United States for three (3) years or less, or to a student who has an individualized education program ("IEP"), if that teacher holds an DEW-approved alternative credential or has successfully completed DEW-approved training that is based on principles of scientifically research-based reading instruction.

This policy shall be reviewed and updated periodically as necessary.

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

The Board of Education is committed to implementation of Positive Behavior Intervention and Supports ("PBIS") framework on a District-wide basis, and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Staff are directed to work to prevent the use of physical restraint and/or seclusion. The PBIS framework shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based academic and behavioral practices aimed at enhancing academic, social and behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential crises. If a student's behavior, however, presents a threat of immediate physical harm to the student or others, staff may, as a last resort (i.e., there is no other safe and effective intervention available) and in accordance with the terms of this policy, use approved physical restraint or seclusion to maintain a safe environment.

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

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

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

The Board shall annually notify parents of this policy, which will be published on the District's website.

## **DEFINITIONS**

**Aversive behavioral interventions** means interventions that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful, and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant, or taste or other sensory stimuli such as climate control, lighting, and sound.

Behavioral Intervention Plan (“BIP”) means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior.

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

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

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

**Functional behavior assessment (FBA)** is a school-based process for students with disabilities and students without disabilities that includes the student’s parent, and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child’s environment. Consent from the parent and, as appropriate, the child (eighteen (18) years of age or older), must be obtained at the initial Functional Behavior Assessment.

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

- A. restraints for medical immobilization;
- B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
- C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent** means:

- A. a biological or adoptive parent;



- B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);
- C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- D. a surrogate parent who has been appointed in accordance with Ohio Administrative Code 3301-51-05(E); or
- E. any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of the child.

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

**Physical restraint** means the use of physical contact that immobilizes or reduces the ability of a student to move the student's arms, legs, body, or head freely. Physical restraint does *not* include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does *not* include brief physical contact for the following or similar purposes to:

- A. break up a fight;
- B. knock a weapon away from a student's possession;
- C. calm or comfort;
- D. assist a student in completing a task/response if the student does not resist the contact; or
- E. prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

**Positive Behavior Intervention and Supports (PBIS)** means multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. PBIS includes a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

**PBIS Leadership Team** means the assigned team at the District and building level that plans, coaches and monitors PBIS implementation in the District and buildings. The PBIS Leadership Teams may include, but is not limited to, school administrators, teacher representatives across grade level and programs, staff

able to provide behavioral expertise, and other representatives identified by the District or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

**Prone restraint** means physical or mechanical restraint while the student is in the face-down position.

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

**Student** means an individual enrolled in the District.

**Student Personnel** means teachers, principals, counselors, social workers, school resource officers, teachers' aides, psychologists, bus drivers, related services providers, nursing staff, or other District staff who interact directly with students.

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

## **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS FRAMEWORK**

The District will implement PBIS on a system-wide basis in accordance with R.C. 3319.46 and A.C. 3301-35-15. The District's PBIS framework involves comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms. The administration is encouraged to use data-based decision making to select, monitor, and evaluate outcomes, practices, and systems. The PBIS framework further involves a school-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction. Evidence-based practices along a multi-tiered continuum of supports will be used. The District's PBIS framework will further focus on improving staff climate and culture regarding the role of discipline in the classroom, by using positive and proactive communication and staff recognition. Finally, classroom practices shall be linked to and aligned with the school-wide system so progress monitoring can occur with fidelity and target outcomes. The PBIS framework will strive to enable accurate and sustainable implementation of practice.

As part of its implementation of the PBIS framework, the District will provide Student Personnel with appropriate professional development, engage in explicit instruction of school-wide behavior expectation, employ consistent systems of acknowledging and correcting behavior, create teaching environments designed to eliminate behavior triggers, and promote family and community involvement.

The PBIS framework shall apply to all students and staff, and in all settings. It shall include:

- A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific inappropriate behavior may occur;
- B. Functional Behavior Assessments that include:
  1. review of existing data;

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

### **PROFESSIONAL DEVELOPMENT FOR IMPLEMENTATION OF PBIS**

In order to successfully implement the PBIS framework on a District-wide basis, the Board shall provide or Student Personnel shall receive professional development as follows:

- A. the professional development will occur at least every three (3) years;
- B. the professional development must be provided by a building or District PBIS Leadership Team or an appropriate State, regional, or national source in collaboration with the building or District PBIS Leadership Team;
- C. the trained PBIS Leadership Team will provide the professional development in accordance with the District-developed PBIS training plan, which the Superintendent will develop;
- D. the Superintendent shall retain records of completion of the professional development; and
- E. the professional development will include the following topics:
  1. an overview of PBIS;
  2. the process for teaching behavioral expectations;
  3. data collection;
  4. Implementation of PBIS with fidelity;
  5. consistent systems of feedback to students for acknowledgement of appropriate behavior and corrections for behavior errors; and

6. consistency in discipline and discipline referrals.

F. the training will be appropriately modified for the intended audience.

The Superintendent is charged with arranging for continuous training structures to be in place to provide ongoing coaching and implementation with fidelity.

### **SECLUSION**

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

Seclusion shall be implemented only by Student Personnel who are trained to protect the care, welfare, dignity, and safety of the student, including trained to detect indications of physical or mental distress that require removal and/or immediate medical assistance. Student Personnel must document their observations of the student during the seclusion.

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

If Student Personnel use seclusion, they must:

- A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;
- D. assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;
- E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- F. complete all required reports and document their observations of the student;
- G. ensure safety of other students and protect the dignity and respect of the student involved;

- H. combine the use of seclusion with other non-physical interventions (which are always preferred) that will diminish the need for seclusion in the future;
- I. if at any point the staff assess that the intervention is insufficient to maintain safety of all involved, contact emergency personnel;
- J. use seclusion for the least amount of time necessary.

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

A room or area used for seclusion must provide for adequate space, lighting, ventilation and clear visibility in order to allow Student Personnel to observe the student.

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

**Additional prohibited seclusion practices:**

Seclusion shall not be used:

- A. for the convenience of staff;
- B. as a substitute for an educational program;
- C. as a form of discipline or punishment;
- D. as a substitute for less restrictive means of assisting a student in regaining control;
- E. as a substitute for inadequate staffing;
- F. as a substitute for staff training in positive behavior intervention and supports framework and crisis management; or
- G. as a means to coerce, retaliate, or in a manner that endangers a student.

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

## **PHYSICAL RESTRAINT**

Prone restraint, including any physical restraint that obstructs the airway of the student, or any physical restraint that impacts a student's primary mode of communication, is prohibited. Student Personnel may use physical restraint only as a last resort and in accordance with this policy and the requirements of A.C. 3301-35-15.

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

Only Student Personnel trained in safe restraint techniques may implement physical restraint, except in the case of the rare and unavoidable emergency situations when trained personnel are not immediately available. Student Personnel must be trained to protect the care, welfare, dignity, and safety of the student.

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

If Student Personnel use physical restraint, they must:

- A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;
- D. assess the student for injury or psychological distress after the use of physical restraint, and monitor the student as needed following the incident;
- E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- F. complete all required reports and document their observations of the student;
- G. implement in a manner that accommodates age and body size diversity;
- H. ensure safety of other students and protect the dignity and safety of the student involved;
- I. combine with other non-physical interventions (which are always preferred) that will diminish the need for physical intervention in the future;

- J. use the least amount of force necessary for the least amount of time necessary;
- K. if at any point the staff assesses that the intervention is insufficient to maintain safety for all involved, contact emergency personnel.

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

### **Prohibited Practices**

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

- A. prone restraint;
- B. any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
  - 1. involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;
  - 2. uses pressure point, pain compliance, or joint manipulation techniques;
  - 3. otherwise involves techniques that are used to unnecessarily cause pain;
  - 4. causes loss of consciousness or harm to the neck or restricting respiration in any way;
  - 5. involves dragging or lifting of the student by the hair or ear or any type of mechanical restraint;
  - 6. uses other students or untrained staff to assist with the hold or restraint;
  - 7. involves securing a student to another student or fixed object;
- C. corporal punishment as defined in R.C. 3319.41;
- D. child endangerment as defined in R.C. 2919.22;
- E. deprivation of basic needs;
- F.. seclusion or restraint of preschool-age student in violation of A.C. 3301-37-10(D) and A.C.

3301-35-15;

- G. mechanical restraint;
- H. chemical restraint;
- I. aversive behavioral interventions; and
- J. seclusion in a locked room or area.

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

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

**MULTIPLE INCIDENTS OF RESTRAINT AND/OR SECLUSION – CONDUCTING A FUNCTIONAL BEHAVIORAL ASSESSMENT AND DEVELOPING A BEHAVIOR INTERVENTION PLAN**

After a student's third incident of physical restraint or seclusion in a school year, a meeting must occur within ten (10) school days of the third incident as follows:

- A. For a student who has been found eligible for special education services or has a 504 plan, the student's individualized education program or 504 team must meet to consider the need to conduct or develop a FBA or BIP, or amend an existing FBA or BIP.
- B. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.
- C. Nothing in this section is meant to prevent the completion of a FBA or BIP for any student who might benefit from these measures, but has fewer than three (3) incidents of restraint or seclusion.
- D. Nothing in this section is meant to prevent the District from conducting any evaluations or other obligations the staff feel are appropriate under the Individuals with Disabilities Education Improvement Act.



## **TRAINING AND PROFESSIONAL DEVELOPMENT FOR USE OF CRISIS MANAGEMENT AND DE-ESCALATION TECHNIQUES**

The District shall provide training and professional development for the use of crisis management and de-escalation techniques that includes the use of restraint and seclusion. Specifically, the District shall annually train an appropriate number of personnel in each building in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. At a minimum, the training will cover the following topics:

- A. proactive measures to prevent the use of seclusion or restraint;
- B. crisis management;
- C. documentation and communication about the restraint or seclusion with appropriate parties;
- D. the safe use of restraint and seclusion;
- E. instruction and accommodation for age and body size diversity;
- F. directions for monitoring signs of distress during and following physical control; and
- G. debriefing practices and procedures.

The training will occur face-to-face and allow for a simulated experience of administering and receiving physical restraint so that participants can demonstrate proficiency in the topics identified above.

The Superintendent is charge with maintaining written or electronic documentation concerning the training provided that includes the following:

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

As part of the required training, Student Personnel shall be trained to perform the following functions:

- A. identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur, and
- B. use preventative assessments that include at least the following:
  - 1. a review of existing data;

2. input from parents, family members, and students; and
3. examination of previous and existing behavior intervention plans.

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

### **MONITORING AND COMPLAINT PROCEDURES**

The Superintendent shall monitor the implementation of A.C. 3301-35-15 and this policy, and annually conduct a review of A.C. 3301-35-15 and this policy related to the use of PBIS, physical restraint, and seclusion. Additionally, the administration will annually notify parents of the District's policy and procedures related to the requirements of PBIS, physical restraint, and seclusion, including the following complaint process.

Any parent of a child enrolled in school in the District may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint. The Superintendent will make reasonable efforts to have an in-person follow-up meeting with the parent.

A parent may also file a complaint with local law enforcement, the county department of job and family services, or the office of integrated student supports within the Ohio Department of Education. The procedures and timeline for filing a complaint with the Ohio Department of Education are outlined in A.C. 3301-35-15(L).

### **REQUIREMENTS FOLLOWING AN INCIDENT OF SECLUSION OR PHYSICAL RESTRAINT**

Each use of restraint or seclusion shall be:

- A. reported to the building administration immediately;
- B. reported to the parent immediately; and
- C. documented in a written report (see Ohio Department of Education's Model Restraint and Seclusion Debriefing Form).

A copy of the written report shall be made available to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. The District shall maintain the written report, including placing a copy of the written report in the student's file.

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

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

The administration shall develop a support plan for substitute teachers if they need assistance with PBIS or crisis management and de-escalation (including restraint and seclusion).

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

\* Adapted from the Ohio Department of Education's Positive Behavior Intervention and Supports and Restraint and Seclusion Model Policy and Procedures, issued July 2021.

**3217/4217 – WEAPONS** - The Board of Education prohibits staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle, except as permitted by law.

The term weapon includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordinances under State law.

The Superintendent shall immediately refer a staff member who violates this policy to law enforcement officials, regardless of whether such staff member possesses a valid concealed weapon license. The staff member who violates this policy will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

- A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement agents, and weapons carried by security personnel employed by the Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;
- B. handguns in the possession of an individual who has been issued a concealed handgun license that is valid at the time of conveyance or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;
- C. objects indistinguishable from a firearm used during school safety trainings;
- D. items indistinguishable from a firearm approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (working firearms and ammunition shall never be approved)
- E. theatrical props used in appropriate settings;

- F. starter pistols used in appropriate sporting events.

Staff members shall immediately report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the Building Principal/Administrator. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

Unless otherwise authorized by law, pursuant to R.C. 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone.

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

#### **5772 - WEAPONS**

The Board of Education prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The term "weapon" includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordnances under State law.

Policy exceptions include:

- A. items pre-approved by the building principal as part of a class or individual presentation under adult supervision if used for the purpose and in the manner approved (working firearms and any ammunition will never be approved as part of a presentation);
- B. theatrical props used in appropriate settings.

Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the Building Administrator. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, Policy 5610, and Policy 5610.01, and through administrative guidelines.

The Superintendent is authorized to establish instructional programs on the weapons and the requirement that students immediately report knowledge of weapons and threats of violence by students and/or staff to the building principal. Failure to report such knowledge may subject the student to discipline.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

#### **1630.01/3430.01/4430.01 - 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 1630.01/3430.01/4430.01.

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 1630.01/3430.01/4430.01.

**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. All full-time instructional employees are deemed to meet the 1,250 hour requirement. 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 exists concerning the Board's intention to rehire the staff member after the break in service.

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

**Serious Health Condition** - Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves 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 therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

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

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

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

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

**Staff Member Notice Requirements (Forms available at the U.S. Department of Labor Website: [www.dol.gov](http://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** - 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](http://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. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business



days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

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

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

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

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

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

**Limits on FMLA When Both Spouses are Employed by the Board** - When 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) on page one, 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) on page one, 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) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

**Certification** - When FMLA leave is taken for either reason (C) or (D) on page one, 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 and the Executive Director of Human Resources to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e., medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

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

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

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

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

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave nor shall it be counted against the staff member under a no fault attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

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

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

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

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

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

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

**5610.05 - PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES** - Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board of Education authorizes the Superintendent, principals, and assistant principals and other authorized personnel employed by the District to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct/Student Discipline Code took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

**5771 - SEARCH AND SEIZURE** - The Board of Education recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

**3419.01/4419.01 - 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:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan
- E. Health Flexible Spending Accounts (FSA)

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 District 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 District 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/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.

**8400 – SCHOOL SAFETY** - The Board of Education is committed to maintaining a safe and drug-free environment in all of the District’s schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of School District personnel, law enforcement agencies, and families. The Board further believes that all school employees (including administrators, professional staff, and support staff) and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

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

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

Each EMP will consist of four (6) parts:

- A. The emergency operations plan shall consist of a single document to address all hazards that may negatively impact the school including, but not limited to, active shooter, hostage, bomb threat, act of terrorism, infectious diseases or pandemic, severe weather, bullying, threats of violence or threats to life, and any other natural, technological, or human-caused events that the Superintendent

knew or should have reasonably known about that compromise the health or safety of students, employees, administrators, or property. The document will include:

1. a hazard identification and risk analysis (i.e., a process to identify hazards and assess the vulnerability associated with each);
  2. an all-hazards emergency operations plan organized around five (5) mission areas: prevention, protection, mitigation, response, and recovery. The plan shall be consistent with the National Incident Management System (NIMS) principles;
  3. the access and functional needs of the students, teachers, and staff;
  4. education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual;
  5. procedures for notifying law enforcement, fire, EMS, emergency management, mental health providers, public health officials, and other outside experts who could assist in responding to and recovering from an emergency;
  6. a threat assessment plan developed as prescribed by the Ohio Revised Code Section 5502.263, including a protocol for school threat assessment teams established pursuant to Ohio Revised Code Section 3313.669; the plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan. The areas of improvement identified in the emergency management test and actual emergencies at the school buildings will be a source for lessons learned.
- B. A floor plan unique to each floor of the building.
- C. A site plan that includes all building property and surrounding property
- D. An emergency contact information sheet.
- E. Stakeholder signatures.
- F. Proof of completion of an approved threat assessment training program for each member of the building's threat assessment team.

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

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

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

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

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

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

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

Parental consent is required prior to student participation in the emergency management test.

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

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

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



## **Threat Assessment**

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

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

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

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

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

Research shows that individuals who plan to commit violent acts against schools often share their plans with someone. Consequently, the District has entered into an agreement with an anonymous reporting program that meets the following requirements:

- A. operates twenty-four (24) hours per day, seven (7) days per week;
- B. forwards reported information to and coordinates with the appropriate school threat assessment teams and law enforcement and public safety agencies as required under the District's EMPs;
- C. will be promoted in each District school to inform students about the reporting program and its reporting methods; and
- D. complies with the Ohio Revised Code Sections 149.433 and 3319.669 related to the District's use of an anonymous reporting program.

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

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

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

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

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment, including the threshold for law;
- D. establishing assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who are responsible for gathering and investigating information;

- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation;
- H. identifying risk management options (e.g., interventions and supports, and the imposition of disciplinary consequences, as appropriate) to enact once an assessment is complete, including creating an individualized management plan to mitigate identified risks;
- I. creating and promoting a safe school climate built on a culture of safety, respect, trust, and emotional support, and one that encourages communication and empowers students to share their concerns;
- J. providing training for all stakeholders, including school personnel, students, parents, and law enforcement (as applicable).

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

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

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy. Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

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

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

2. allows all students in the class the opportunity to learn;
3. has consequences that are fair; and developmentally appropriate;
4. considers the student and the circumstances of the situation; and
5. is enforced accordingly.

**Persistently Dangerous Schools** - The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy. Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year. The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it. In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

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

**8420 – EMERGENCY SITUATIONS AT SCHOOLS** – The Board of Education is committed to providing a safe learning and work environment. Unfortunately, natural and man-made disasters do occur. Such emergencies are best met by preparedness and planning.

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

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

All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the applicable Emergency Management Plan (EMP).

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

Fire drills or rapid dismissals shall be conducted no less than six (6) times a school year at the times and frequency prescribed by the State Fire Marshal with the first emergency evacuation drill being conducted within ten (10) days of the beginning of classes. However, no fire drills are required to be conducted in any month that a school safety drill is conducted. Tornado drills shall be conducted at least once a month during the tornado season (i.e., from April 1 to July 31) when school is in session. Times and frequencies of drills must be varied. The Principal shall verify the school building's doors and exits are unlocked during school hours.

In conjunction with fire drills or rapid dismissals, the Principal shall instruct students on safety precautions to be taken in the case of a tornado alert or warning and shall designate appropriate locations to be used to shelter students in case of a tornado, tornado alert, or warning.

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

- A. a threat to the school involving terrorism;
- B. a person in possession of a deadly weapon or dangerous ordnance on school property; and
- C. other acts of violence.

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

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

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

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

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

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

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

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

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

The certification must be submitted by mail, facsimile, or electronically by December 5<sup>th</sup> each calendar year.

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

Each Principal shall keep a written record of the date and time of each drill conducted. The Principal shall file a copy of any required fire drill records with the State Fire Marshall and, as applicable, the firefighting agency having jurisdiction to conduct inspections of the school building.

Procedures shall be developed for the handling of all emergency evacuations.

**8510 - WELLNESS** - As required by law, the Board of Education establishes the following wellness policy for the Rocky River City School District as a part of a comprehensive wellness initiative. The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school. Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits. The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

- A. With regard to nutrition education the District shall:
  - 1. Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
  - 2. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.

3. The District shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

B. With regard to physical activity the District shall:

1. Physical Education

- a. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- b. Teachers properly certificated/licensed in the subject area of physical education shall provide all instruction in physical education.
- c. On an annual basis, physical education teachers shall review and affirm receipt of the Ohio Department of Health's concussion information sheet.
- d. Physical Education teachers shall remove from class participation any student who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury. The Principal and/or teacher shall notify parents or guardians about the possible concussion or head injury.
- e. Any student who has been removed from physical education class participation because s/he has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to physical education class until the student's condition is assessed by a physician, and the physician gives the student written clearance that it is safe to return to class.

2. Physical Activity

- a. Physical activity should not be employed as a form of discipline or punishment.
- b. In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.
- c. All students in grades 7 – 12 shall have the opportunity to participate in interscholastic sports programs.

C. With regard to other school-based activities:

1. Free drinking water shall be available to student during designated meal times and may be available throughout the school day.
2. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
3. The school shall provide attractive, clean environments in which the students eat.
4. An organized wellness program shall be available to all staff.
5. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
6. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

D. With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards. Additionally, the District shall:

1. encourage students to increase their consumption of healthful foods during the school day;
2. create an environment that reinforces the development of healthy eating habits, including offering the following healthy foods that comply with the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards:
  - a. a variety of fresh produce to include those prepared without added fats, sugars, refined sugars, and sodium.
  - b. a variety of vegetables daily to include specific subgroups as defined by dark green, red/orange, legumes, and starchy;
  - c. whole grain products – half of all grains need to be whole grain-rich upon initial implementation and all grains must be whole grain-rich within two (2) years of implementation;
  - d. fluid milk that is fat-free (unflavored and flavored) and low-fat (unflavored);
  - e. meals designed to meet specific calorie ranges for age/grade groups;
  - f. eliminate trans-fat from school meals;



- g. require students to select a fruit or vegetable as part of a complete reimbursable meal;

The District nutrition department will promote and encourage Farm to School efforts in order to provide the healthy foods identified above. Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

- C. The sale of foods and beverages to students that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus during the school day is prohibited.
- D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entrée items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered on the NSLP or SBP menu), as well as food items and beverages from vending machines, from school stores, or as fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs.
- E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, from vending machines, for classroom parties, or at holiday celebrations.
- F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include for classroom parties and at holiday celebrations) shall comply with the current USDA Dietary Guidelines for Americans.
- G. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- H. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well regardless of unpaid meal balances and without stigma.

- I. The school food service program may involve students, staff, and school officials in the selection of competitive food items to be sold in the schools.
- J. All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.
- K. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- L. All food service personnel shall receive pre-service training in food service operations.
- M. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Superintendent/Designee as the individual(s) charged with operational responsibility for measuring and evaluating the District's implementation and progress under this policy. The Superintendent shall develop administrative guidelines necessary to implement this policy. The Superintendent shall appoint a District-wide Wellness Committee that includes parents, students, representatives of the school food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public, and school administrators to oversee development, implementation, evaluation and periodic update of this policy. The Wellness Committee shall be an ad hoc committee with members recruited and appointed annually. School-level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Wellness Committee shall be responsible for:

- A. assessment of the current school environment;
- B. review of the District's Wellness policy;
- C. presentation of the Wellness policy to the Board for approval;
- D. measurement of the implementation of the policy; and
- E. recommendation for the revision of the policy, is necessary.

Before the end of each school year, the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations. The Superintendent shall report annually to the Board on the Wellness Committee's progress and on its evaluation of the policy's implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining the policy's goals. The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall include information in the annual notice and post the policy on the District's website, including the Wellness Committee's assessment of the policy's implementation.

The District shall assess the Wellness Policy at least once every three years on the extent to which schools in the District are in compliance with the District policy, the extent to which the District policy compares to model wellness policies, and progress made in attaining the goals of the District Wellness Policy. The assessment shall be made available to the public on the School District's website.

**8342 – STUDENT DATA PRIVACY** - The Board of Education of the Rocky River City School District is committed to maintaining the privacy and security of student data especially when the student data may contain personally identifiable information. All employees of the Rocky River City School District who use student data have a responsibility to maintain the privacy and security of students' data especially when the data may contain personally identifiable information. The Board requires the implementation of procedures for submitting, evaluating, and approving online educational services. Online educational services include computer software, mobile applications, and web-based tools provided by third parties to school personnel that students and/or their parents' access via the Internet and use as part of a school activity.

The Executive Director of Communications and Technology shall maintain a list of all approved online educational services in the District. Student data shall only be shared with online educational services that are approved by the Superintendent or designee under the following protocol:

- A. Staff members wishing to utilize anew online educational service must first secure approval from the Superintendent or designee.
- B. All such requests for approval shall be directed to the Executive Director of Communications and Technology.
- C. Written usage or software agreements for online educational services shall only be entered into by the Treasurer after approval from Executive Director of Communications and Technology.
- D. Online usage or software agreements for online educational services (including click-wrap agreements where the user is asked to click an "I accept" button) may only be agreed to after approval of the Treasurer and Executive Director of Communications and Technology.
- E. Criteria for approval of any online educational service agreements shall include: whether the requested educational service is already available from current District-approved online educational services; whether the online educational service complies with all applicable law including but not limited to the Family Educational Rights and Privacy Act, Children's Online Privacy and Protection Act, and the Pupil Privacy Rights Amendment; whether there is advertising or sales directed to the student as a result of the use of the requested online educational service; and such other relevant factors.
- F. Any costs associated with online educational services must be pre-approved, and the necessary funds must be encumbered by the building principal or other administrator.
- G. Submissions for approval of an online educational service shall be through an online form available on the staff Intranet.
- H. The following information shall be provided via the online approval form:

1. Name of online educational service
  2. Link to online educational service
  3. Name of Company
  4. Description of online educational service
  5. Rational for use of online educational service
  6. Description of collection provisions: forms, logs, cookies, tracking pixels
  7. Description of data use, retention, disclosure and destruction provisions
  8. Link to Terms of Service
  9. Link to Privacy Policy
- I. This policy does not apply to online educational services that staff members wish to join and use on their own behalf, but the following criteria must apply:
1. No student data (name, email, grade or other personally identifying information) shall be used.
  2. Students and parents shall not be required to create an account to use the online educational service.
- J. Parents/guardians shall be informed of this policy through the Rocky River City School District's Annual Notices to parents and students.
- K. Teachers will post the accounts used on their respective websites or ProgressBook.
- L. Staff shall review this policy annually via Public SchoolWorks.

**2271 – COLLEGE CREDIT PLUS PROGRAM** – The Board of Education recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities in Ohio.

The Board will approve participation by students who apply to the participating college or university (institute of higher education or IHE) and meet the IHE's and relevant academic program's established standards for admission, enrollment, and course placement. Participating students will be eligible to receive secondary credit for completing any of these programs. To be eligible, students must be in seventh, eighth, ninth, tenth, eleventh, or twelfth grade and must either

be remediation-free in one (1) of the assessments established under R.C. 3345.061(F) or meet an alternative remediation-free eligibility option as defined by the Chancellor of Higher Education in consultation with the Superintendent of Public Instruction. Students who participated in the college Credit Plus program before September 30, 2021, and who qualified to participate in accordance with prior law by scoring within one (1) standard error of measurement below the remediation-free threshold for one(1) of the required assessments and having a cumulative high school grade point average of at least 3.0, or alternatively receiving a recommendation from a school counselor, principal, or career-technical program advisor, may remain eligible to participate.

In addition, under Federal and State law, male students who are eighteen (18) years of age or older and who are classified as an Ohio resident by the public college or university they are attending through the College Credit Plus Program are required to be registered with the Selective Service System. Participating male students are required to provide their Selective Service number to the public college or university within thirty (30) days of their 18<sup>th</sup> birthday. If such students do not submit their Selective Service number, they will not be considered a College Credit Plus participant for that current semester or term and will be responsible for any tuition, textbooks, or fees associated with the classes for which they are enrolled.

### **Underperforming and Ineligible Students**

If a student participating in the College Credit Plus Program under the option set forth in R.C. 3365.06 (B) either: A) fails to maintain a grade point average of 2.0 or higher in the college courses taken through the College Credit Plus Program; or B) withdraws from, or receives no credit for two or more courses in the same term, the student will be considered an “underperforming student.” If a student maintains underperforming student status for two (2) consecutive terms of enrollment, the student will be deemed “ineligible.”

### **Probation**

Immediately after determining a student has obtained underperforming student status, the Superintendent/designee shall place the student on probation within the College Credit Plus Program, and notify the underperforming student, the underperforming student’s parents, and each IHE in which the student is enrolled of the underperforming student’s status. The underperforming student and their parents shall also be notified of the following requirements for continued participation in the Program while on probation:

- A. The student shall only enroll in one (1) college course during any term.
- B. The student shall refrain from enrolling in a college course in the same subject as a college course in which the student earned a grade of “D” or “F” or for which the student received no credit.
- C. If the student had registered for more than one college course for the next term prior to being placed on probation, the student shall request each IHE in which the student is enrolled to dis-enroll the student from those courses that conflict with the terms of the student’s probationary status.
  - 1. If a student elects to remain enrolled in one (1) course for the next term, the student shall inform the IHE of the course in which the student would like to remain enrolled.
  - 2. If the student fails to dis-enroll from any courses that conflict with the student’s probationary status, the Superintendent/designee shall immediately notify the student and the student’s parents that the student shall assume responsibility for any and all tuition, fees, and costs for

textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and the student's parents shall also be advised that the student shall be deemed an ineligible student and dismissed from the program for the next term in accordance with the dismissal procedures set forth below.

- D. If a student takes a course after being placed on probation and such course raises the student's cumulative grade point average to 2.0 or higher in the college courses taken through the College Credit Plus Program, the student shall be removed from probation. The student may participate in the Program without restrictions unless the student is declared to be an underperforming student again.
- E. If a student takes a course after being placed on probation and such course does not raise the student's cumulative grade point average to 2.0 or higher in the courses taken through the College Credit Plus Program, the student shall be dismissed from the Program in accordance with the dismissal procedures set forth below.

### **Dismissal**

If a student is deemed ineligible to participate in the College Credit Plus Program, the student will be dismissed from the Program. The Superintendent/designee shall notify the ineligible student, the student's parents, and each IHE in which the student is enrolled of the student's dismissal. The ineligible student and the student's parents shall also be notified that the student shall not take any college courses through the Program following the student's dismissal.

If the student had registered for more than one (1) college course for the next term prior to being dismissed from the Program, the student shall request each IHE in which the student is enrolled to dis-enroll the student from the Program.

If the student fails to dis-enroll following their dismissal from the Program, the Superintendent/designee shall immediately notify the student and the student's parents that the student shall assume responsibility for any and all tuition, fees, and costs for textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and the student's parents shall also be advised that the Superintendent/designee shall extend/continue the student's dismissal from the Program for an additional term.

### **Reinstatement**

Following one (1) term of dismissal, a student may submit a request to the Superintendent/designee to be reinstated to the College Credit Plus Program. Summer shall only be counted as a term if the student is enrolled in one (1) or more high school courses during the summer. Upon receipt of the reinstatement request, the student's full high school and college academic record will be reviewed to determine whether the student has achieved academic progress and whether the student will be reinstated on probation or without restriction.

**Reinstatement on Probation:** In order to be reinstated to the College Credit Plus Program on probation, the student must maintain a cumulative GPA of 2.5-2.9 for one (1) semester.

**Reinstatement without Restriction:** In order to be reinstated without any restrictions, the student must maintain a cumulative GPA of 3.0 or higher for one (1) semester. If the student fails to demonstrate academic progress as defined above, the Superintendent/designee shall extend/continue the student's dismissal for an

additional term(s). During the dismissal period, the student shall remain ineligible to participate in the College Credit Plus Program until academic progress is achieved.

### **Appeals**

Any student who is dismissed from the College Credit Plus Program or prohibited from taking a course in which the student earned a grade of “D” or “F” or for which the student received no credit, may appeal the decision to the Superintendent/designee. The appeal must be filed within five (5) business days after the student is notified of the dismissal or prohibition against taking a course. Upon receiving the appeal, the Superintendent/designee must immediately notify each IHE in which the student is enrolled that the student has filed an appeal. When reviewing a student’s appeal, the Superintendent/designee shall consider any extenuating circumstances separate from the student’s academic performance that may have affected or otherwise impacted the student’s status in the College Credit Plus Program. After considering such information, the Superintendent/designee may:

- A. allow the student to participate in the Program without restrictions;
- B. allow the student to take a course in which the student earned a grade of “D” or “F” or for which the student received no credit;
- C. allow the student to participate in the Program on probation; or
- D. maintain the student’s dismissal from the Program.

The Superintendent/designee shall issue a decision on the student’s appeal within ten (10) business days after the date the appeal is filed. The Superintendent’s/designee’s decision shall be final, and the Superintendent/designee shall immediately provide notification of the decision to each IHE in which the student is enrolled.

- A. If the Superintendent/designee decides to continue the student’s dismissal from the College Credit Plus Program, and the student is enrolled in an Institution of Higher Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. The Board shall not be required to pay for such courses.
- B. If the Superintendent/designee fails to issue a timely decision after the date the appeal is made, and the student is enrolled in an Institution of High Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. If the decision is issued after the IHE’s no-fault withdrawal date, the Board shall be required to pay for such courses.

### **Children of Military Families**

Children of military families enrolled in CCP who must withdraw from the program due to their parent’s stationing orders shall be provided the option to complete the coursework in an online format, if possible, or withdraw from the program without academic or financial penalty.

### **Home-Schooled Students**

If a home-schooled student participating in the College Credit Plus Program is placed on probation or dismissed from the Program, the parent of the student shall be responsible for notifying each IHE in which the student is enrolled of such probation or dismissal.

The Board will provide information about the College Credit Plus Program prior to February 1<sup>st</sup> to all students enrolled in grades six (6) through eleven (11) and their parents as outlined in AG 2271. The Board will also promote the College Credit Plus Program on its website, including the details of the Board's current agreements with partnering IHEs.

All students must meet the requirements for participating in the College Credit Plus Program outlined in AG 2271.

The Board may deny high school credit for the College Credit Plus Program courses, any portion of which are taken during the period of a student's expulsion. If the student has elected to receive credit for course(s) toward fulfilling graduation requirements as well as the College Credit Plus Program credit, that election is automatically revoked for all college courses in which the student enrolled during the college term in which the expulsion is imposed.

When a student is expelled, the Board directs the Superintendent/designee to send written notice of the expulsion to any college in which the expelled student is enrolled under R.C. 3365.03 (College Credit Plus Program) at the time the expulsion is imposed. This notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a policy under R.C. 3313.613 to deny high school credit for College Credit Plus Program courses taken during an expulsion. If the expulsion period is later extended, the Superintendent/designee shall notify the college of the extension.

The Board will collect, report, and track program data annually in accordance with data reporting guidelines adopted by the Chancellor and the Superintendent of Public Instruction pursuant to R.C. 3365.15.

The Superintendent/designee shall establish the necessary administrative guidelines to comply with State law which will thereafter be properly communicated to both students and their parents. The Superintendent/designee shall also establish guidelines and procedures for the awarding of credit and the proper entry on the student's transcript and other records of his/her participation in a College Credit Plus Program.

**5111 – ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS** – The Board of Education establishes the following residency policy for determining eligibility to attend the schools of this District. The Board shall provide tuition-free education for the benefit of children at least five (5) but under twenty-two (22) years of age whose parents reside in the District and such others as may be eligible pursuant to Federal and/or State law and the policies of the Board, including disabled preschool children who are at least three (3) years of age but not of compulsory school age and who are not currently enrolled in kindergarten, regardless of their citizenship or immigration status. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the District's website.

In addition, the Board shall provide tuition-free education for the benefit of a child whose grandparent(s) resides in the District and who is the subject of a:

- A. power of attorney designating the grandparent as the attorney-in-fact; or
- B. caretaker authorization affidavit executed by the grandparent that provides the grandparent with authority over the care, physical custody, and control of the child, including the ability to enroll the child in school, consent in all school related matters, and discuss with the District the child's educational progress.

In accordance with State law, the grandparent shall be considered the parent of the child who is the subject of the power of attorney (Form 5111 F7) or caretaker authorization affidavit (Form 5111 F8). The child may attend the schools of this District (Form 5111 F9) unless the power of attorney or caretaker authorization



form was created for the sole purpose of enrolling the child in the District so that the child may participate in the academic or interscholastic programs of this District or another reason exists to exclude the child under State law. Additionally, the child may attend the schools of the District until the power of attorney or caretaker authorization affidavit terminates upon the occurrence of one (1) of the following events:

- A. the child ceases to reside with the grandparent(s);
- B. the document is terminated by court order; or
- C. either the child who is the subject of the document or the grandparent dies.

Additionally, the power of attorney terminates if it is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent and the juvenile court with which the power of attorney was filed. Further, the caretaker authorization affidavit terminates if the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove of an action or decision of the grandparent(s) who signed the affidavit with respect to the child, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian or custodian or fails to file a complaint to seek custody within fourteen (14) days after delivery of the written notice of negation, revocation or other disapproval. It is the responsibility of the grandparent(s) to notify the District within one (1) week of the termination of the power of attorney or caretaker authorization affidavit.

The Board reserves the right to verify each student's residency and other conditions of eligibility for tuition-free education as well as the validity of the claim of any student to an education in the District. In addition, if a student has recently been discharged or released from the custody of the Department of Youth Services (DYS) and is seeking admittance or re-admittance into the District, such students will not be admitted until the records required to be released by DYS to the Superintendent have been received (see AG [5111](#) for listing of required records). Within twenty-four (24) hours of admission into the District, the Superintendent shall request a copy of the student's school records from the school the student most recently attended.

### **Nonresident Eligibility for Tuition-Free Education**

A student shall be entitled to attend school in this District free of any tuition obligation under the following circumstances:

- A. A child whose parent has signed a contract to buy or build a house in this District and provides proper sworn statements shall be enrolled without payment of tuition for a period not to exceed ninety (90) days. The Superintendent is authorized to determine the number of days. The parent shall provide:
  - 1. a sworn statement explaining the situation, the location of the house being purchased or built, and stating the parent's intention to reside there upon its completion; and
  - 2. a statement from the builder that the house is being built for the parent and its location or a statement from a real estate broker or bank officer confirming that the parent has a contract to purchase, that the parent is waiting upon a closing date, and that the house is at the location identified in the parent's sworn statement.

Such child shall also be eligible to participate in interscholastic athletics, if released by formal action of the district of current residency and the OHSAA.

- B. Children under a shared-parenting plan establishing both parents as “residential parents” when the child is residing with the parent, if one (1) parent resides in the District. If a student resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for that student from the home of the nonresident parent. Where a court has vested legal custody with only one (1) parent, the child is entitled to attend school tuition-free only in the district in which the custodial parent resides.
- C. Children of active-duty uniformed services members who are subject to a transfer or relocation order and will be relocating to but do not yet reside in the District shall be permitted to apply for enrollment in the same manner and at the same time as resident students in accordance with the provisions of the Interstate Compact on Educational Opportunity for Military Children (see Policy 5111.02).
- D. A child under the age of eighteen (18) years of age who is married and resides in the District.
- E. Students between the ages of eighteen (18) and twenty-two (22) who support themselves by their own labor, live apart from their parents, reside in the District, and have successfully completed the District’s high school program or their I.E.P.
- F. Students who are considered by Federal law to be illegal aliens, children or youth in foster care, and/or homeless students who are required to be admitted by Federal law and in accordance with State guidelines.
- G. A child with a medical condition that may require emergency medical attention providing a parent is employed in the District and submits the proper certification required by the Board, including a medical statement from the child’s physician.
- H. A child, living with a resident other than a parent and whose parent is in the armed services outside the State of Ohio, providing the child’s parent submits the appropriate affidavit stating that the parent is in the armed forces outside the State of Ohio, intends to reside in the District upon return to the State, and provides the name and address of the person with whom the child will reside. The child may attend school in the District tuition-free for a period not to exceed twelve (12) months. If the parent does not intend to reside in the District, the child may attend school as a tuition student only.
- I. A student who is living with a parent under the care of a shelter program for victims of domestic violence located in the District.
- J. A nonresident child who has been or is currently being placed for adoption with a resident of this District, unless the adoption has been terminated or another district is required to educate the child.
- K. Any student who enrolls in the District under the District’s open enrollment policy.

### **Optional Tuition-Free Education**

The Board may admit students tuition-free under the following circumstances:

- A. Foreign-exchange students participating in a bona fide foreign-exchange program or residents of foreign nations who request admission as foreign-exchange students or the student is a non-Ohio, U.S. resident admitted under an exchange program operated by a student exchange organization.
- B. Twelfth grade students whose parents move out of the District after the commencement of classes shall be allowed to attend school tuition-free for the remainder of the current year and one (1) additional semester.
- C. A child who becomes a nonresident at the time of a parent's death may continue to attend school in the District on a nontuition basis for the remainder of the school year.

### **Students Suspended or Expelled from Other District**

After offering an opportunity for a hearing, the Superintendent, at the Superintendent's discretion, may deny admission to a student who has been suspended or expelled from another public school within or outside the State, for the period of unexpired time of the suspension or expulsion. If the expulsion is from an out-of-state public school, the lesser of the period of such expulsion or the period of expulsion which would have been applied had the student committed the offense in this District will be imposed. When the suspension or expulsion from the other district has expired, the student is to be admitted providing all other eligibility requirements have been met. This provision also applies to a student who is the subject of power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent.

### **Mandatory Admission/Payment of Tuition**

The Board shall admit students who reside in the District but their parents do not reside in the District and tuition payments shall be assessed pursuant to State law if:

- A. the student is in the legal or permanent custody of a governmental agency or a person other than the student's natural or adoptive parents;
- B. the student resides in a home as defined by State law;
- C. the student requires special education;
- D. the child resides in the District and the child's parent is in a residential facility, correctional facility, or juvenile placement and the other parent, if living and not in such a facility or placement, is not known to reside in this State.

If the District admits a student to the District who is not otherwise entitled to attend or whose attendance tuition is not an obligation of another district, the Board shall collect tuition from the student's parents.

## **Safe at Home/Address Confidentiality**

If a parent (or adult student), presents to the District a valid program authorization card issued by the Secretary of State certifying that the parent (or adult student), the parent's child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program, the Board shall use the address designated by the Secretary of State to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.

**2111 – PARENT AND FAMILY ENGAGEMENT** – The Board of Education recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. This policy shall serve as the District policy, as well as the Parent and Family Engagement policy for each school in the District.

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

In accordance with statute and the State Board of Education Parent and Family Involvement policy, the term "family" is used in order to include a child's primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, and other family members and responsible adults who play significant roles in providing for the well-being of the child.

In cultivating partnerships with families and communities, the Board establishes the following expectations and objectives for meaningful parent and family engagement:

**A. Relationships with Families**

1. cultivating school environments that are welcoming, supportive, and student-centered;
2. providing professional development for school staff that helps build partnerships between families and schools;
3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers;
4. providing coordination, technical assistance, and other support to assist schools in planning and implementing family involvement activities.

**B. Effective Communication**

1. providing information to families to support the proper health, safety, and well-being of their children;
2. providing information to families about school policies, procedures, programs, and activities;

3. promoting regular and open communication between school personnel and students' family members;
4. communicating with families in a format and language that is understandable, to the extent practicable;
5. providing information and involving families in monitoring student progress;
6. providing families with timely and meaningful information regarding Ohio's academic standard, State and local assessments, and pertinent legal provisions;
7. preparing families to be involved in meaningful discussions and meetings with school staff.

**C. Volunteer Opportunities**

1. providing volunteer opportunities for families to support their children's school activities;
2. supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family involvement events.

**D. Learning at Home**

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school;
2. working with families to establish learning goals and help their children accomplish these goals;
3. helping families to provide a school and home environment that encourages learning and extends learning at home.

**E. Engaging Families in Decision Making and Advocacy**

1. engaging families as partners in the process of school review and continuous improvement planning;
2. engaging families in the development of its District-wide parent and family engagement policy and plan, and distributing the policy and plan to families.

**F. Collaborating with the Community**

1. building constructive partnerships and connecting families with community-based programs and other community resources;

2. coordinating and integrating parent and family engagement programs and activities with District initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development.

**Implementation** – The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership of support of each student's academic achievement, the District's continuous improvement, and individual school improvement plans. The District's plan, as well as each school's plan, will provide for annual evaluation, with the meaningful engagement of parents and families of the plan's content, effectiveness and identification of barriers to participation by parents and families with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; the needs of parents and family members to assist with the learning of their children (including engaging with school personnel and teachers); and the strategies to support successful school and family interaction. Each school plan will include the development of a written school-parent compact jointly with parents for all children participating in Title I, Part A activities, services, and programs. The compact will outline how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Evaluation findings will be used in the annual review of the Parent and Family Engagement policy and to improve the effectiveness of the District plan. This policy will be updated periodically to meet the changing needs of parents, families, and the schools.

**2261.01 – PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS** – In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year, the Superintendent shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Education and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the District's expectations and objectives for meaningful parent and family involvement, and describe how the School district will:

- A. involve parents and family members in the development of the School District's title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;
- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:

1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
  2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
  3. strategies to support successful school and family interactions;
- E. use the findings of the above-referenced evaluation to:
1. design evidence-based strategies for more effective parental involvement; and,
  2. revise the parent and family engagement policy, if necessary;
- F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;
- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning school performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;

- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at school.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent must also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and school's obligations to develop a parent and family engagement policy.
- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.
- C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review, and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate.



- D. Parents of participating students must be provided with:
1. timely information about the Title I program and the school's parent and family engagement policy;
  2. a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;
  3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.
- E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the Superintendent.
- F. As a component of the school-level parent and family engagement policy, the principal for each school shall coordinate the development of a school-parent compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the student will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
1. describe the school's responsibility to provide a high-quality curriculum and instruction in a supportive, effective learning environment;
  2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities, and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;
  3. address the importance of parent/teacher communication on an on-going basis through at least annual parent-teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
- H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the School District and school-level parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;
- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of failing to adhere to copyright policy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);
- E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School District's capacity for parent involvement, the Superintendent and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, including transportation and child care costs;
- D. train parents to enhance the involvement of other parents;

- E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement in Title I programs;
- G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement programs;
- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

**2413 – CAREER ADVISING** – This policy has been developed as prescribed in R.C. 3313.6020 and the State Board of Education’s model policy. This policy shall be updated at least once every two (2) years. The policy shall be made available to students, parents/guardians/custodians, and local postsecondary institutions, residents of the District, and shall be posted on the District website.

Career advising is an integrated process that helps students understand how their personal interests, strengths and values might predict satisfaction and success in school and related career fields, as well as how to tie these interests and strengths to their academic and career goals. Students need to have access to comprehensive resources and support to prepare for their future success. Through relevant classroom instruction, career-related learning experiences, and a program of counseling and advising, students can discover their interests and explore academic and career pathway options.

The District’s career advising plan shall include:

- A. Grade-level examples that link students’ schoolwork to one (1) or more career fields.
- B. Career advising to students in grades K-12, which includes age-appropriate activities and also includes creating and maintaining a Student Success Plan beginning in grade six (6).
- C. Additional interventions and career advising for students who are identified as at risk of dropping out of school.
- D. Training for employees on how to advise students on career pathways, including training on advising students using the tools available in OhioMeansJobs K-12.
- E. Multiple academic and career pathways through high school that students may choose to earn a high school diploma, including opportunities to earn industry-recognized credentials and postsecondary course credit.
- F. Information on courses that can award students both traditional academic and career-technical credit.
- G. Information regarding career fields that require an industry-recognized credential, certificate, associate’s degree, bachelor’s degree, graduate degree, or professional degree.
- H. Information about ways to offset the costs of a postsecondary education including:

1. the reserve officer training corps;
  2. the College Credit Plus (CCP) Program;
  3. the Ohio Guaranteed Transfer Pathways Initiative; and
  4. joint academic programming or dual enrollment opportunities with state universities and community colleges.
- I. Documentation on career advising is provided for review by the student, the student's parent, guardian, or custodian and schools the student may attend in the future.
  - J. The supports necessary for students to have successful transitions from high school to their postsecondary destinations including interventions and services for students in need of remediation in mathematics and English language arts.

**3120 – EMPLOYMENT OF PROFESSIONAL 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 highly 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 professional staff member employed by the Board.

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

- A. Guidance Counselor
- B. Speech Therapist(s)
- C. Psychologist(s)
- D. Certificated/Licensed Positions by the Ohio Department of Education and applicable to law
- E. OT/PT

Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be a violation of R.C. 2921.42

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.

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

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

No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of proper licensing or that application for such licensing is in process. Said licensing shall meet the minimum requirements of State law for the position for which s/he is being recommended.

If such a person is employed, s/he shall be considered to be eligible for and must fulfill the professional development standards required of other professional staff members. If the Superintendent, after proper investigation, determines that the person no longer should have the right to teach, s/he may be terminated without regard to R.C. 3319.11 and R.C. 3319.16.

Professional staff must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121). The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

## **REQUIREMENTS FOR TEACHERS**

Teachers must hold a valid license issued by the State to teach in all areas of assignment. Teachers who instruct in core subject areas must be properly certified/licensed as required by the Elementary and Secondary Education Act, as amended ("ESEA"), and State law. A properly licensed/certified teacher is defined as a teacher who has successfully completed all requirements for certification/licensure and holds a license applicable to all grade levels and subject areas in which the teacher provides instruction and the students to whom the teacher provides the instruction. "Core subject areas" include reading, English Language Arts, Mathematics, Science, Social Studies, Foreign Language, and Fine Arts.

The following teaching license types may be considered eligible for proper certification/licensure in a core subject area:

- A. Resident Educator/Alternative Resident Educator License
- B. Professional Educator License
- C. Senior Professional Educator License

- D. Lead Professional Educator License
- E. One-Year Out-of-State License
- F. Supplemental License
- G. Visiting International Teacher License

The Superintendent shall report State certification and licensure status for every teacher 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 classroom teacher who provides instruction to the student. Upon request of the parent/guardian, the District will provide information about each teacher assigned to provide instruction to their student(s) in a timely manner. The information will include whether the teacher has satisfied all requirements for certification/licensure or whether the teacher provides instruction under a waiver.

#### **Confirmation of Licensure**

As a prerequisite to employee pay, the Superintendent must first issue to the Treasurer a written statement that confirms each teacher and/or professional employee has filed with the Superintendent both a copy of all valid licenses as well as copies of any reports required by the State Board or this Board to demonstrate his/her qualification to teach in all assigned subject and grade levels of instruction and/or a professional educator position. No professional staff member employed in a position for which licensure is required 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.

**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 support staff member employed by the Board.

Individuals employed in employment positions not requiring instructional certifications/licenses shall be considered members of the classified staff.

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

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.

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 support 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 support 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 support 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 PARAPROFESSIONALS**

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.



**5200 – ATTENDANCE** – The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session.

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

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

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

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

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

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

- I. such good cause as may be acceptable to the Superintendent
- J. medically necessary leave for a pregnant student in accordance with Policy 5751
- K. service as a precinct officer at a primary, special or general election in accordance with the program set forth in Policy 5725

- L. college visitation
- M. absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status
- N. absences due to a student being homeless

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

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

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

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

Attendance shall be taken at the beginning of every block/period in buildings with block/period-based scheduling. Absences from a class block/period shall be accounted for to the nearest full hour.

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

### **Contacting the Parent/Guardian of an Absent Student**

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

### **Excessive Absences**

When a student of compulsory school age is absent from school with combined nonmedical excused absences and unexcused absences in excess of thirty-eight (38) or more hours in one (1) school month, or sixty-five (65) or more hours in a school year, that student is considered excessively absent from school. The

District or school shall notify the child's parent or guardian of the child's absences, in writing, within seven (7) school days after the date of the absence that triggered the notice requirement. At the same time written notice is given, any appropriate intervention action listed herein may be taken.

The following "medical excuses" will not count toward a student's excessive absence hours: (1) personal illness; (2) illness in the family necessitating the presence of the child; (3) quarantine of the home; (4) health care provider appointments (doctor, dentist, mental health provider, etc.); (5) medically-necessary leave for a pregnant student in accordance with Policy 5751; (6) death in the family; or (7) other set of circumstances the Superintendent deems on a case-by-case basis to be a good and sufficient cause for medical absence from school.

A medically excused absence occurs any time a student is out of school due to illness or medical visit (physician, dentist, mental health, etc.). A medical excuse for personal illness will be accepted in the form of doctor's note or parent call-in on the day of the absence due to illness or doctor's visit. A student may have up to ten (10) medically excused absences without a doctor's note, but with a phone call from a parent/guardian. For the 2020-2021 school year, medical excuse absences will be accepted through this process for students participating both in-person and remotely. This policy will be extended beyond ten (10) if the student or someone in the student's family is in quarantine due to recognized pandemic/epidemic (e.g., COVID-19) or experiencing symptoms of the pandemic/epidemic.

### **Habitually Truant**

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

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

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

### **Absence Intervention Team**

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

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

Each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's building, another representative from the child's building who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or

temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

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

### **Intervention Strategies**

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

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

In the event that a student become habitually truant within twenty-one (21) school days prior to the last day of instruction of a school year, the Principal may, in his/her discretion, assign the school counselor to work with the child's parent/guardian/custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer.

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

### **Reporting Requirements**

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

- A. The student is habitually truant.

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

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

In the event that the sixty-first (61<sup>st</sup>) day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty (30) days from the first day of instruction of the next school year.

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

Whenever any student of compulsory school age has sixty (60) consecutive hours in a single month or a total of ninety (90) hours of unexcused absence from school during the school year, s/he will be considered habitually absent under R.C. 3321.13(b)(2). The Board authorizes the Superintendent to inform the student and his/her parents, guardian, or custodian of the record of absences without a legitimate excuse as well as the District's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's unexcused absences and habitually absent status.

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

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

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

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

### **Tracking Remote Attendance**

Consistent with the District's Remote Learning Plan (e.g., Blended Learning, On-Line Learning, etc.), the District will provide a variety of instruction models, including both teacher-led remote learning and self-directed remote learning.

Student attendance in teacher-led remote learning (synchronous web-based instruction) shall be tracked in the same manner as hourly, in-person instruction. Teachers shall determine hourly attendance by evidence of student login and logoff data.

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

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

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

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

The teacher will determine the number of hours a typical student would take to complete an assignment and report those hours of attendance when the assignment is completed. A teacher may adjust the number of hours of attendance based on the length of time the student actually spent on the assignment, as reported by the student, parent, or other person with knowledge.

**8500D – PROCEDURE FOR THE COLLECTION AND PAYMENT FOR CHARGED MEALS** – It is the responsibility of the parents to provide lunch for their children while at school. However, it is important to provide that children receive the nutrition they need to stay focused during the school day. If a child neither has a packed lunch nor the funds to purchase a school lunch, the child will be provided a school lunch; however, that child's parents will be responsible for applicable charges.

Parents/guardians will be notified of the delinquency in the student's account as necessary to give the parents time to send a check or cash to school with their child to give to the cafeteria.

Parents may also pay for school meals via the internet through the District's Nutrition Services website.

## **2623 - STUDENT ASSESSMENT AND ACADEMIC INTERVENTION SERVICES**

The Board of Education shall assess student achievement and needs in all program areas in compliance with State law and the rules adopted by the State Board of Education. The purpose of such assessments will be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of the District.

The Board shall administer the State-mandated tests (e.g., diagnostic assessments and achievement tests) to students at the times designated by the State Board of Education. The Board may, for medical reasons or other good cause, excuse a student from taking a State-mandated test on the date scheduled, but any such test shall be administered to such excused student not later than nine (9) days following the scheduled date. The Board shall annually report, not later than June 30<sup>th</sup>, the number of students who have not taken one (1) or more of the State-mandated tests to the State Board of Education.

The District shall require that all appropriate staff have knowledge of the prescribed standards of ethical assessment practice and shall monitor the assessment practices for compliance with these standards. These duties shall include:

- A. communicating standards of ethical assessment practice;
- B. communicating security procedures for assessment;
- C. establishing procedures for reviewing assessment materials and procedures and assessment preparation materials and procedures;
- D. establishing channels of communication that allow teachers, other educators, students, parents, and other member of the community to voice concerns about assessment practices;
- E. establishing written procedures for investigating complaints, allegations, and/or concerns about assessment practices, protecting for investigating complaints, allegations, and/or concerns about assessment practices, protecting the rights of an individual, the integrity of an assessment, and the results of an assessment.

The Board shall provide academic intervention services in pertinent subject areas to students who score below the proficient level in reading, writing, mathematics, social studies, or science achievement test, or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

At least annually, staff members will assess the academic achievement and learning needs of each student. Procedures for such assessments may include, but not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

The Superintendent shall develop a program of testing that includes:

- A. administration of State-mandated tests (e.g., diagnostic assessment and achievement tests), at no cost to students, in accordance with the provisions of A.C. 3301-13-02;
- B. performance-based tests at appropriate grade levels to measure achievement of performance objectives in composition, mathematics, science, social studies, and reading;
- C. District or teacher-made achievement or performance tests;
- D. tests of mental ability;
- E. norm referenced achievement tests.

“Achievement test” means “a test, aligned with the Ohio academic content standards and model curriculum, designed to measure a student’s level of knowledge or skill in a specific subject area that is expected at the end of a designated grade and/or is required as part of the Ohio graduation requirement.”

“Alternate assessment” means “the use of an assessment instrument, other than the Ohio achievement tests or diagnostic assessments, that meets the requirements of all applicable Federal and State laws and A.C. 3301-13-03.”

“Diagnostic assessment” means “an assessment aligned with Ohio academic content standards and model curriculum, designed to measure student comprehension of academic content and mastery of related skills for a relevant subject area at each grade level, kindergarten through three, as defined in R.C. 3301.079.”

“End of course exams” means “the college and work ready assessments selected by the Department of Education and Workforce and the Chancellor of Higher Education that are aligned with academic content standards and model curriculum and designed to measure a student's level of academic achievement.”

“Performance standards” means a score adopted by the State Board of Education indicative of a particular level of academic achievement at a designated grade for each achievement test or alternate assessment.”

“State-mandated assessments or test” means “an achievement assessment prescribed under section 3301.0710 of the Revised Code or an end-of-course examination under section 3301.0712 of the Revised Code.”

The Superintendent shall develop:

- A. procedures for the regular collection of student performance data;
- B. a plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments; and



- C. procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.

For any student who failed to demonstrate at least a score at the proficient level on an achievement test during the preceding school year, the Board shall provide appropriate intervention services commensurate with the student's test performance in each such test area, including intensive prevention, intervention, or remediation required under R.C. 3301.0711, 3301.0715, 3313.608, or R.C. 3313.6012.

The Board shall require that:

- A. by June 30 each year, parents are provided with the score of any State-mandated assessment or test administered to their student; results will be sent via mail or email or, alternatively, will be posted to a secure portal that families can access on the District's or school's website. R.C. 3313.6029
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the Board's student records policy.

Summer remediation services shall meet the following conditions:

- A. the remediation methods are based on reliable educational research
- B. testing will be conducted before and after students participate in the program to facilitate monitoring results of the remediation services
- C. the parents of participating student will be involved in programming decisions
- D. the services will be conducted in a school building or community center and not on an at-home basis

The Board shall keep records for each student including the following:

- A. a unique State student identification or a student verification code as required in accordance with R.C. 3301.0714(D)(2)
- B. a list or designation of which tests are required and which tests are not required
- C. a list or designation of which tests, required or not required, are taken and which are not taken at each test administration period
- D. score for each test taken, required or not
- E. whether each student attained the requisite performance standard designated for each required test
- F. what if any tests must still be taken

- G. whether or not intervention must be provided
- H. for each test required for graduation, the date passed must be recorded on the student's transcript

No information shall be on the student's transcript for a test not passed.

When a student who has taken State-mandated tests in one (1) school leaves that school to enroll in another school, the school previously attended shall provide, immediately upon request by a school official from the enrolling school, all applicable records set forth above.

For each student required to be offered intervention services, the Board shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

During the school year following the year in which the tests prescribed by R.C. 3301.0710(A)(1) are administered to any student, the Board shall provide appropriate intervention services, commensurate with the student's test performance, including any intensive prevention, intervention, or remediation required under R.C. 3301.0711, 3301.0715, 3313.608 or R.C. 3313.6012, in any skill in which the student failed to demonstrate at least a score of proficient level on an achievement test.

Except as authorized by State law, the Board shall not use any student's failure to attain a specified score on any State-mandated test as a factor in any decision to deny the student promotion to a higher grade level.

All identified students with disabilities in the School District shall be considered for participation in the State-mandated testing. The extent of the student's participation shall be determined by the IEP Team.

Accordingly, the student's IEP shall require that the student take:

- A. the required assessments in the same manner as other students;
- B. the required assessments with accommodations appropriate for the student's disability; or
- C. an alternate assessment that has been approved by the State Department of Education.

To the extent possible, and in accordance with law, a student with disabilities shall not be excused from taking a required assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

The Superintendent shall implement administrative guidelines that comply with the State Department's regulations with regard to the administration of the State-mandated tests including the reporting of results.

Program evaluations will be reviewed and updated every five (5) years. A schedule for such will be developed and implemented by the Superintendent.

After July 1, 2017, no student will spend more than two percent (2%) of the school year taking state assessments, including the Ohio graduation tests, college and work ready assessment systems, and any District-wide assessment for all students in a specified subject area or grade level. Students will not spend more than

one percent (1%) of the school year on diagnostic or practice assessments to prepare for the above assessments. Students with disabilities are exempt from this requirement, as are related diagnostic assessments for students who failed the English language arts achievement assessment, substitute examinations, or examinations to identify a gifted student.

This policy shall be reviewed and updated annually.

### **2623.01 - INTERVENTION**

The Board of Education believes that students should be given every opportunity to learn the skills and acquire the knowledge necessary to demonstrate proficiency on State-mandated tests and locally-developed assessments. Therefore, pursuant to State law, the Board will provide intervention for those students whose performance on these tests and assessments indicates a need for it.

The Board directs the Superintendent to develop a plan for intervention that will include:

- A. procedures for using diagnostic assessments;
- B. the classroom-based intervention strategies as well as other intervention strategies that will be used;
- C. procedures for the collection of student performance data;
- D. procedures for using student performance data to evaluate the effectiveness of the intervention strategies and to evaluate the instructional program.

### **3170 – SUBSTANCE ABUSE**

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

A professional 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 assistance that is presently extended to professional staff members having any other illness.

The responsibility to correct unsatisfactory job performance, attendance or behavioral problems resulting from a suspected health problem rests with the professional staff member. Additionally, regardless of whether a professional staff member has an illness or other problem relating to the use of alcohol or other drugs it remains the responsibility of the professional 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 of behavior and/or working or reporting to work under the influence of alcohol or other drugs will result in appropriate corrective or disciplinary action as determined by the Board, up to and including termination.

If a professional 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 professional 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.

No professional staff member will have his/her job security or promotion opportunities jeopardized by his/her voluntary request for counseling or referral assistance.

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

#### **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 assistance that is presently extended to classified staff members 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 of behavior and/or working or reporting to work under the influence of alcohol or other drugs 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 employee's refusal to submit to an alcohol or other drug test may affect an employee's right to receive workers compensation benefits.

No classified staff member will have his/her job security or promotion opportunities jeopardized by his/her voluntary request for counseling or referral assistance.

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

### **3213 - STUDENT SUPERVISION AND WELFARE**

Professional staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and 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. A professional staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. A professional staff member shall provide proper instruction in safety matters as presented in assigned course guides.
- C. Each professional staff member shall immediately report to a building administrator knowledge of threats of violence by students.
- D. A professional staff member shall not send students on any personal errands.
- E. A professional 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.
- F. If a student approaches a 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 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 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 staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- G. A professional staff member shall not transport students in a private vehicle without the approval of the principal.
- H. A student shall not be required to perform work or services that may be detrimental to his/her health or errands associated with school business or school activities.
- I. Staff members shall only engage in electronic communication with students via District-provided staff and student e-mail accounts and District-provided tools such as the District Google Apps for Education account when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities. Any other communication with any other online tools must have prior approval of the Director of Communications and Organizational Development.

- J. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production using District provided tools such as District e-mail accounts, the District Content Management System and Google Apps for Education accounts in accordance with Policy 5722.

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 professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

#### **4213 - STUDENT SUPERVISION AND WELFARE**

Classified staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and 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 only engage in electronic communication with students via District-provided staff and student e-mail accounts and District-provided tools such as the District Google Apps for Education account when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities. Any other communication with any other online tools must have prior approval of the Director of Communications and Organizational Development.
- I. Classified staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production using District provided tools such as District e-mail accounts, the District Content Management System and Google Apps for Education accounts in accordance with Policy 5722.

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